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CAZON

XB Legislative assembly

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BILL 1

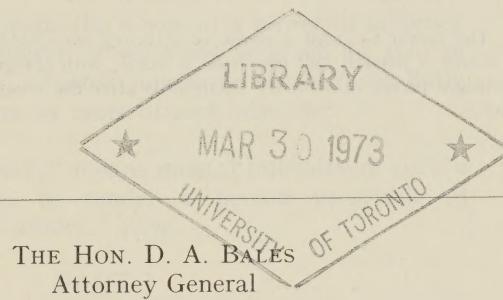
Government Bill

Government
Publications

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

74

The Powers of Attorney Act, 1973



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

This Bill implements the recommendations of the Ontario Law Reform Commission Report on Powers of Attorney, 1972.

The power to grant a power of attorney exercisable after the death of the donor is deleted and provision is made, with safeguard procedures, for granting a power of attorney exercisable after the mental incapacity of the donor.

BILL 1**1973****The Powers of Attorney Act, 1973**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,Interpre-
tation

- (a) "attorney" means the donee of a power of attorney or where a power of attorney is given to two or more persons, whether jointly or severally or both, means any one or more of such persons;
- (b) "legal incapacity" means mental infirmity of such a nature so as to render a person incapable of managing his affairs. *New.*

PART I**ATTORNEY DURING LEGAL INCAPACITY**

2. Notwithstanding any agreement or waiver to the contrary, this Part applies to a power of attorney that contains a provision referred to in section 3. *New.*

3. Where a power of attorney expressly states that it may be exercised during any subsequent legal incapacity of the donor, such provision is valid and effectual, subject to such conditions and restrictions, if any, as are contained therein and not inconsistent with this Part. *New.*

4. A power of attorney referred to in section 3 may be revoked by the donor at any time while he has legal capacity. *New.*

5. A power of attorney that contains a provision referred to in section 3 shall be executed in the presence of a witness who is not the attorney or the attorney's spouse. *New.*

6.—(1) Where the donor of a power of attorney that contains a provision referred to in section 3 subsequently is without legal capacity, the attorney may at any time, and shall, not later

than fifteen days after he first learns of the incapacity, file a notarial copy of the power of attorney in the office of the registrar of the surrogate court of the county or district in which the donor or donee resides.

Notice to
Registrar of
the Supreme
Court of
filing

(2) Notice of every filing of a power of attorney under this Part shall be transmitted by the registrar of the surrogate court by registered mail to the Registrar of the Supreme Court forthwith after the filing.

Effect of
failure
to file

(3) Subject to subsections 4 and 5, a power of attorney that is not filed in accordance with subsection 1 ceases to be valid and has no effect.

Extension
of time
for filing

(4) The attorney may apply to a judge of the surrogate court of the county or district in which the power of attorney is required to be filed for an order extending the time for filing the power of attorney and the judge, upon being satisfied that the uses, if any, made of the power by the attorney during the legal incapacity of the donor have been proper, may extend the time for filing the power of attorney to a date not more than fifteen days after the date of the order and the order or a certified copy thereof shall be filed with the power of attorney.

Exception
to invalidity

(5) Where a power of attorney has become invalid under this section and a person, without knowing or having reasonable grounds for believing that the donor is without legal capacity, deals with the attorney, the transaction between them shall, in favour of that person, be as valid as if the power had then been in existence. *New.*

Passing
accounts

7.—(1) Where a power of attorney contains a provision referred to in section 3 and the donor subsequently is without legal capacity, any person having a material interest, directly or indirectly, in the estate of the donor may, during such incapacity, apply to the surrogate court in the office of which the power of attorney is filed for an order requiring the attorney to pass his accounts for transactions involving an exercise of the power during the incapacity of the donor, and the court may order the attorney to pass such accounts or such part thereof as is provided in the order.

Procedure
and effect

(2) Where an order is made under subsection 1, the attorney shall file his accounts in the office of the surrogate court and the proceedings and practice upon the passing of the accounts shall be the same and of the like effect as the passing of executors' or administrators' accounts in the surrogate court.

(3) The Public Trustee may apply under subsection 1 in ^{Application by Public Trustee} the same manner as a person materially interested in the estate of the donor where it appears to him desirable to do so in the best interests of the donor or his estate. *New.*

8.—(1) Where a power of attorney contains a provision referred to in section 3 and the donor subsequently is without legal capacity, any person having a material interest, directly or indirectly, in the estate of the donor, may during such incapacity, apply to the surrogate court in the office of which a notarial copy of the power of attorney is or ought to be filed for an order substituting another person for the attorney named in the power of attorney and the court may make the order or such other order as the court considers proper. ^{Substitution of attorney}

(2) The substitution of another person for an attorney under subsection 1 shall have the like effect as the substitution of another person for a trustee under *The Trustee Act.* ^{Effect of substitution} ^{R.S.O. 1970, c. 470}

(3) The Public Trustee may apply under subsection 1 in ^{Application by Public Trustee} the same manner as a person materially interested in the estate of the donor where it appears to him desirable to do so in the best interests of the donor or his estate.

(4) The attorney may apply under subsection 1 in the same manner as a person materially interested in the estate of the donor, on giving notice to the Public Trustee and to all persons having a material interest. *New.* ^{Application by attorney}

9. A power of attorney that contains a provision referred to in section 3 becomes invalid and of no effect, notwithstanding such provision, where an order has been made declaring the donor a mentally incompetent person and upon the appointment of a committee. *New.* ^{Effect of declaration of mental incompetency}

10. Where a person ceases to have legal capacity and has no attorney with the powers referred to in section 3, the surrogate court of the county or district in which he resides may, upon the application of any person who has a material interest, directly or indirectly, in the estate of such person and upon being satisfied that to do so is in the best interests of the person who is without capacity or his estate, appoint a person and vest him with the power of attorney for such limited purposes and upon such conditions as are set out in the order. *New.* ^{Appointment of attorney by court}

Form of
power
during
incapacity

11. A power of attorney containing the following provision and note shall be deemed to be a power of attorney referred to in section 3:

In accordance with the said Act I hereby expressly confirm that this power is to be valid notwithstanding any subsequent mental incapacity on my part.

NOTE: Section 6 of *The Powers of Attorney Act, 1973* provides that where the donor ceases to have legal capacity, this power ceases to be valid and has no effect unless the attorney files a notarial copy of this power in the office of the surrogate court of the county or district in which the donor or the donee resides not later than fifteen days after the donee first learns of the donor's legal incapacity.

PART II

GENERAL

Form of
power of
attorney

12. A power of attorney in Form 1 confers,

- (a) on the donee of the power; or
- (b) where there is more than one donee, on the donees acting jointly or acting jointly and severally, as the case may be,

authority to do on behalf of the donor anything that the donor can lawfully do by an attorney.

Exercise of
power after
revocation

13.—(1) When a power of attorney is revoked by the death or act of the donor, any subsequent exercise of the power by the attorney is valid and binding as between the donor and any person, including the attorney, who acted in good faith and without knowledge of the death or other revocation.

Saving

(2) Where money is paid in the exercise of a power of attorney to which subsection 1 applies, nothing in subsection 1 affects the right of any person entitled to the money against the person to whom the payment is made, and the person so entitled has the same remedy against the person to whom the payment is made as he would have had against the person making the payment. R.S.O. 1970, c. 357, s. 2, amended.

R.S.O. 1970,
c. 357,
repealed

14.—(1) *The Powers of Attorney Act*, being chapter 357 of the Revised Statutes of Ontario, 1970, is repealed.

Exception

(2) Notwithstanding subsection 1, *The Powers of Attorney Act* continues to apply in respect of powers of attorney executed before this Act comes into force.

15. This Act comes into force on the day it receives Royal ^{Commencement} Assent.

16. This Act may be cited as *The Powers of Attorney Act, 1973.* ^{Short title}

FORM 1

(*Section 11 (2)*)

FORM OF POWER OF ATTORNEY

THIS GENERAL POWER OF ATTORNEY is given this.....day
of.....19.....by AB of.....

I appoint CD of.....[or CD
of.....and EF of.....
jointly or jointly and severally] to be my attorney[s] in accordance with
The Powers of Attorney Act, 1973.

[In accordance with the said Act I hereby expressly confirm that this
power is to be valid notwithstanding any subsequent mental incapacity
on my part.]

IN WITNESS, etc.

[NOTE: Section 6 of *The Powers of Attorney Act, 1973* provides that where
the donor ceases to have legal capacity, this power ceases to be valid
and has no effect unless the attorney files a notarial copy of this
power in the office of the surrogate court of the county or district in
which the donor or the donee resides not later than fifteen days after
the donee first learns of the donor's legal incapacity.]

The Powers of Attorney Act, 1973

1st Reading

March 20th, 1973

2nd Reading

3rd Reading

THE HON. D. A. BALES
Attorney General

(*Government Bill*)

CA20N

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-B56

BILL 2

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

**An Act respecting Labour Disputes between Armor
Elevator Canada Limited, Dover Corporation (Canada)
Limited, Montgomery Elevator Co. Limited, Otis
Elevator Company Limited, and Westinghouse Can-
ada Limited, Employers, and the International Union
of Elevator Constructors, Locals 50, 90 and 96**

THE HON. F. GUINDON
Minister of Labour



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

BILL 2

1973

An Act respecting Labour Disputes between Armor Elevator Canada Limited, Dover Corporation (Canada) Limited, Montgomery Elevator Co. Limited, Otis Elevator Company Limited, and Westinghouse Canada Limited, Employers, and the International Union of Elevator Constructors, Locals 50, 90 and 96

WHEREAS Armor Elevator Canada Limited, Dover Corporation (Canada) Limited, Montgomery Elevator Co. Limited, Otis Elevator Company Limited and Westinghouse Canada Limited, employers, and the International Union of Elevator Constructors, Locals 50, 90 and 96, have been parties to collective agreements, the latest of which has expired; and whereas the parties have bargained for new collective agreements and to that end have exhausted conciliation services under *The Labour Relations Act*; and whereas strikes by the unions against the employers have continued since about the 7th day of September, 1972, and they now threaten the public safety and welfare in the Province of Ontario; and whereas intensive conciliation efforts have reached an impasse and the parties are unable to achieve a settlement of the disputes; and whereas the public interest and welfare requires that means be provided to bring the strikes to an end and to settle all matters that are in dispute between the parties in order that new collective agreements may be concluded between the parties;

R.S.O. 1970,
c. 232

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this Act,

Interpre-
tation

- (a) “board” means the board of arbitration established under this Act;
- (b) “employers” means Armor Elevator Canada Limited, Dover Corporation (Canada) Limited, Montgomery

Elevator Co. Limited, Otis Elevator Company Limited and Westinghouse Canada Limited, or any one of them;

- (c) "Minister" means the Minister of Labour;
- (d) "parties" means the employers and the unions;
- (e) "unions" means the International Union of Elevator Constructors Locals numbers 50, 90 and 96, or any one of them.

Idem
R.S.O. 1970,
c. 232

(2) Unless a contrary intention appears, expressions used in this Act have the same meaning as in *The Labour Relations Act*.

Application of Act

2.—(1) This Act applies to the parties and to the employees of the employers in the bargaining units defined in the collective agreements between the parties which were effective until and including the 30th day of April, 1972.

Application of R.S.O. 1970, c. 232

(2) Except as modified by this Act, *The Labour Relations Act* applies to the parties and to the employees of the employers in the bargaining units defined in the collective agreements mentioned in subsection 1.

Appointment of board of arbitration

3.—(1) Within seven days after the day on which this Act comes into force, the employers collectively shall appoint to a board of arbitration a member who has indicated his willingness to act.

Idem

(2) Within seven days after the day on which this Act comes into force, the unions collectively shall appoint to a board of arbitration a member who has indicated his willingness to act.

Extension of seven day period

(3) The parties may by agreement in writing extend the period mentioned in subsection 1 or 2 for one further period of seven days.

Failure of party to appoint member

(4) Where the employers or the unions fail to appoint a member of the board of arbitration within the period mentioned in subsection 1 or 2, the Minister shall appoint such member.

(5) As soon as the employers or the unions appoint a member to the board of arbitration, they shall notify the other of them and the Minister of the name and address of the member appointed.

(6) Within ten days after the day on which the second of the members is appointed, the Minister shall appoint a third member, and such third member shall be the chairman.

(7) If a person ceases to be a member of the board of arbitration by reason of his resignation, death or otherwise before it has completed its work, the Minister shall appoint a member in his place after consulting the employers or unions who appointed him or on whose behalf he was appointed.

(8) If, in the opinion of the Minister, a member of the board of arbitration has failed to enter on or to carry on his duties so as to enable it to render a decision within a reasonable time after its establishment, the Minister may appoint a member in his place after consulting the employers or unions who appointed him or on whose behalf he was appointed.

(9) If the chairman of the board of arbitration is unable to enter on or to carry on his duties so as to enable it to render a decision within a reasonable time after its establishment, the Minister may appoint a person to act as chairman in his place.

(10) No person shall be appointed a member of the board of arbitration who has any pecuniary interest in the matters coming before it or who is acting or has, within the period of six months preceding the date of his appointment, acted as solicitor, counsel or agent of the employers or the unions.

(11) Where, after the board of arbitration has been established, either the employers or the unions complain to the Minister that it has failed to render its decision within a reasonable time, the Minister may, after consulting the employers and the unions and the board, issue whatever order he considers necessary in the circumstances to ensure that the decision will be rendered without delay.

(12) The board of arbitration shall determine its own procedure, but shall give full opportunity to the employers and the unions to present their evidence and make their submissions.

Idem	(13) If the members of the board of arbitration are unable to agree among themselves on matters or procedure or as to the admissibility of evidence, the decision of the chairman governs.
Idem	(14) The decision of a majority of the members of the board of arbitration is the decision of the board, but if there is no majority, the decision of the chairman is the decision of the board.
Powers R.S.O. 1970, c. 232	(15) The chairman and the other members of the board of arbitration have, respectively, all the powers of a chairman and the members of a board of arbitration under <i>The Labour Relations Act</i> .
Duty of board	4. —(1) The board of arbitration shall examine into and decide all matters that were in dispute between the parties on the 30th day of April, 1972, and any other matters that appear to the board to be necessary to be decided in order to conclude collective agreements between the parties.
Matters not to be decided by board	(2) The board of arbitration shall not decide any matters that come within the jurisdiction of the Ontario Labour Relations Board.
Board to remain seized of matters in dispute	(3) The board of arbitration shall remain seized of and may deal with all matters within its jurisdiction until collective agreements between the parties are in effect.
Agreement upon some matters	(4) Where, before or during the proceedings before the board of arbitration, the parties have agreed upon some matters to be included in the collective agreements and they so notify the board in writing of the matters agreed upon, the decision of the board shall be confined to, <ul style="list-style-type: none"> (a) the matters not agreed upon by the parties; and (b) such other matters that appear to the board necessary to be decided in order to conclude collective agreements between the parties.
Decision of board	(5) Where the parties have not notified the board of arbitration in writing that before or during the proceedings before the board of arbitration, they have agreed upon some matters to be included in the collective agreements, the board shall decide all matters in dispute and such other matters that appear to the board necessary to be decided to conclude collective agreements between the parties.
Execution of agreement	(6) Within five days of the date of the decision of the board of arbitration or such longer period as may be agreed upon

in writing by the parties, the parties shall prepare and execute documents giving effect to the decision of the board and any agreement of the parties, and the documents thereupon constitute collective agreements.

(7) If the parties fail to prepare and execute documents in the form of collective agreements giving effect to the decision of the board and any agreement of the parties within the period mentioned in subsection 6, the parties or either of them shall notify the chairman of the board in writing forthwith, and the board shall prepare documents in the form of collective agreements giving effect to the decision of the board and any agreement of the parties and submit the documents to the parties for execution.

(8) If the parties or either of them fail to execute the documents prepared by the board within a period of five days from the day of their submission by the board to them, the documents shall come into effect as though they had been executed by the parties and the documents thereupon constitute collective agreements under *The Labour Relations Act.*

R.S.O. 1970,
c. 232

(9) The date the board of arbitration gives its decision is the effective date of the documents that constitute collective agreements between the parties.

(10) In making its decision upon matters in dispute between the parties, the board of arbitration may provide that any of the terms of the agreements shall be retroactive to such day or days as the board may fix, but not earlier than the 1st day of May, 1972.

5.—(1) *The Arbitrations Act* does not apply to the arbitration under this Act.

R.S.O. 1970,
c. 25 not
to apply

(2) Part I of *The Statutory Powers Procedure Act, 1971*,^{Idem} does not apply to the proceedings before the board of arbitration established under this Act.

6.—(1) Upon the coming into force of this Act, the strikes shall be terminated immediately by the unions and the employees mentioned in subsection 1 of section 2.

(2) Notwithstanding any provision of *The Labour Relations Act*, upon the coming into force of this Act,

R.S.O. 1970,
c. 232 not
to apply

(a) the employees mentioned in subsection 1 of section 2 shall return to work, and shall not go on strike;

employees
to return
to work

(b) the employers shall not cause a lock-out;

strikes and
lock-outs
prohibited

terms of
employment
not to be
altered

(c) the employers shall not, except with the consent of the unions, alter the rates of wages, or any other term or condition of employment, or any right, privilege or duty of the employers, the unions or the employees, that were in operation on the 30th day of April, 1972; and

idem

(d) the unions shall not, except with the consent of the employers, alter any term or condition of employment or any right, privilege or duty of the employers, the unions or the employees, that were in operation on the 30th day of April, 1972.

Application
of R.S.O.
1970, c. 232

7. Sections 65 and 66, subsection 1 of section 67 and sections 68, 82, 83, 84, 85, 86, 87, 88 and 90 of *The Labour Relations Act* apply *mutatis mutandis* under this Act as if such sections were enacted in and form part of this Act.

Expenses of
chairman

8. The remuneration and expenses of the chairman of the board of arbitration incurred for the purposes of this Act shall be paid out of the Consolidated Revenue Fund.

Commencement and
repeal

9. This Act comes into force on the day it receives Royal Assent and is repealed on the day on which the collective agreements made under this Act come into operation.

Short title

10. This Act may be cited as *The Elevator Constructor Unions Disputes Act, 1973*.

An Act respecting Labour Disputes between
Armor Elevator Canada Limited, Dover
Corporation (Canada) Limited, Montgomery
Elevator Co. Limited, Otis Elevator Com-
pany Limited, and Westinghouse Canada
Limited, Employers, and the International
Union of Elevator Constructors, Locals 50,
90 and 96

1st Reading

March 21st, 1973

2nd Reading

March 22nd, 1973

3rd Reading

March 22nd, 1973

THE HON. F. GUINDON
Minister of Labour

CA20N *delivered*

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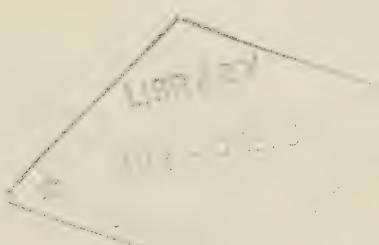
BILL 3

Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

The Ministry of Government Services Act, 1973

THE HON. J. W. SNOW
Minister of Government Services



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The Bill revises and consolidates the present *Government Services Act*.

BILL 3

1973

**The Ministry of Government
Services Act, 1973**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) “commodity” means tangible personal property of every kind;
- (b) “Deputy Minister” means the Deputy Minister of Government Services;
- (c) “Government” means the Government of Ontario and includes all ministries and agencies thereof;
- (d) “Minister” means the Minister of Government Services;
- (e) “Ministry” means the Ministry of Government Services;
- (f) “public work” means any real property or interest therein belonging to the Government that was acquired by lease or otherwise including any building or structure made, built, constructed, erected, extended, enlarged, repaired, improved or formed for the public purposes of the Government or at the expense of the Government and including all appointments, furnishings and equipment installed or placed in or on or used in connection with such property that belong to the Government but does not include any work for which money is appropriated by the Legislature as a subsidy. R.S.O. 1970, c. 393, s. 1; 1972, c. 1, s. 74 (2, 3), *amended*.

2. A reference in any Act or regulation,

References
to *Public
Works Act.*
etc.

(a) to the Minister of Public Works or the Department of Public Works shall be deemed to be a reference to the Minister of Government Services or the Ministry of Government Services, respectively; or

R.S.O. 1970,
c. 393
1973, c. . .

(b) to *The Public Works Act* or *The Government Services Act* shall be deemed to be a reference to *The Ministry of Government Services Act, 1973. New.*

Ministry
continued

3.—(1) The ministry of the public service known as the Ministry of Government Services is continued.

Minister
to preside

(2) The Minister shall preside over and have charge of the Ministry.

Deputy
Minister

(3) The Lieutenant Governor in Council shall appoint a Deputy Minister of Government Services who shall be the deputy head of the Ministry. R.S.O. 1970, ss. 2, 3; 1972, c. 1, s. 74 (4), *amended*.

Staff
R.S.O. 1970,
c. 386

4.—(1) Such officers, clerks and servants may be appointed under *The Public Service Act* as are required from time to time for the proper conduct of the business of the Ministry.

Queen's
Printer

(2) The Lieutenant Governor in Council may appoint a Queen's Printer for Ontario who shall control imprint and secure legal copyright on and control title to all legislative and other material printed by the Government. R.S.O. 1970, c. 393, s. 4, *amended*.

References
to Queen's
Printer in
other Acts

(3) A reference in any Act or regulation to the Queen's Printer and Publisher shall be deemed to be a reference to the Queen's Printer. *New.*

Functions of
Ministry

5. The Ministry shall be operated as a common service agency for the Government and its activities shall be directed towards providing the ministries and agencies of the Government with services in support of the programs of those ministries and agencies. *New.*

Responsi-
bilities of
Minister

6.—(1) It is the responsibility of the Minister and he has power,

(a) in accordance with section 8, to acquire, lease and dispose of public works;

(b) to design, construct, renovate, service, maintain, repair, furnish, equip, manage and administer all premises, buildings and structures that are public works;

(c) to determine the public works or parts thereof that are open to the public and to manage and administer such public works or parts including,

- (i) regulating vehicular and pedestrian traffic,
- (ii) setting apart any building, premises or structure that is a public work, or any part thereof, for a limited use, and
- (iii) fixing and collecting fees for parking in any area in, on or under any public work set apart for the purpose.

(2) It is the responsibility of the Minister and he has power, ^{Idem}

(a) to develop and manage common services for increasing the efficiency and economy of ministries and agencies of the Government;

(b) to establish specifications and standards concerning the acquisition of commodities by the Government, the cataloguing of commodities and the maintenance, storage and disposal of commodities;

(c) to acquire by purchase, lease or otherwise, commodities and services required by the Government, to store all or any of such commodities and to dispose of all or any of such commodities;

(d) to supervise and control the distribution of commodities and services to the Government; and

(e) to provide such other services as the Lieutenant Governor in Council assigns. R.S.O. 1970, c. 393, s. 17, *amended*.

(3) Notwithstanding subsections 1 and 2, the Lieutenant Governor in Council may, for such period and under such terms and conditions as he considers suitable, assign any of the responsibilities or powers of the Minister under this section to another minister. *New.*

7. Subject to *The Management Board of Cabinet Act, 1971*, ^{Assignment of responsibilities to another Minister} the Minister may charge for commodities and services provided ^{1971 (2nd Sess.), c. 12} under this Act. *New.*

8.—(1) The Minister may acquire by purchase, lease or ^{Acquisition of property} otherwise, property, real or personal, including any interest therein for the use or purposes of the Government and may

dispose of such property or any interest therein, by sale, lease or otherwise, when no longer required for the use or purposes of the Government. R.S.O. 1970, c. 393, s. 8 (1), *part, amended.*

Expropriation (2) Subject to *The Expropriations Act*, the Minister, for and in the name of the Crown, may, without consent of the owner thereof, enter upon, take and expropriate any land or interest therein that he considers necessary for the use or purposes of the Government. R.S.O. 1970, c. 393, s. 13, *amended.*

Disposal of real property (3) Any disposal by the Minister of real property, or any interest therein, by way of grant, sale, lease or otherwise, is subject to the approval of the Lieutenant Governor in Council. R.S.O. 1970, c. 393, s. 8 (2).

Property vested in Crown **9.** Except as otherwise provided in any other Act or by the Lieutenant Governor in Council, all public works and all property, real or personal, or any interest therein, belonging to the Government, shall vest in the Crown and be under the control of the Minister. *New.*

Contracts **10.** The Minister, for and in the name of the Crown, may enter into any contract or agreement that he considers advisable for the purpose of carrying out this Act. R.S.O. 1970, c. 393, s. 8 (1), *part, amended.*

Enforcement of contracts **11.** Contracts respecting any public works or property, real or personal, under the control of the Ministry, entered into by the Minister, or by any other person duly authorized to enter into the same, enure to the benefit of the Crown and may be enforced as if entered into with the Crown under this Act. R.S.O. 1970, c. 393, s. 9.

Style of actions **12.** All actions and other proceedings for the enforcement of any contract for the recovery of damages for any tort or breach of contract or for the trial of any right in respect of property, real or personal, under the control of the Ministry shall be instituted in the name of the Attorney General. R.S.O. 1970, c. 393, s. 10.

Tenders **13.** Before the Minister, for and in the name of the Crown, enters into a contract in respect of the construction, renovation or repair of a public work, he shall invite tenders therefor, except,

- (a) in cases of emergency where in the opinion of the Minister delay would be damaging; or
- (b) where the estimated cost of the work is less than \$10,000,

and the Minister shall report all cases referred to in clause *a* to the Legislature forthwith, if it is in session or, if not, at the next ensuing session. R.S.O. 1970, c. 393, s. 5 (1), *amended*.

14. The Minister may require and take security by way of ^{Bonds} bond, with or without collateral security, or by way of deposit of money for the due performance of any contract entered into under this Act. R.S.O. 1970, c. 393, s. 52.

15. The Minister after the close of each year shall submit ^{Annual report} to the Lieutenant Governor in Council an annual report upon the affairs of the Ministry and shall then lay the report before the Assembly, if it is in session or, if not, at the next ensuing session. R.S.O. 1970, c. 393, s. 5 (5, 6), *amended*.

16. Where, under this or any other Act, power or authority ^{Delegation of authority} is granted to or vested in the Minister, other than the power to expropriate, he may, in writing, subject to the approval of the Lieutenant Governor in Council, delegate that power or authority to the Deputy Minister, or to any officer or officers of the Ministry, subject to such limitations, restrictions, conditions and requirements as the Minister may set out in the delegation. R.S.O. 1970, c. 393, s. 18.

17. The Lieutenant Governor in Council may make ^{Regulations} regulations,

- (a) prescribing fees for the use of property belonging to or controlled by the Government, including plans, specifications, facilities and equipment;
- (b) for the preservation and management of any public building;
- (c) prescribing the manner in which and conditions under which Government purchases, disposals or storages or any class thereof shall be carried out. R.S.O. 1970, c. 393, s. 19, *amended*.

18. The following are repealed:

^{Repeals}

1. *The Government Services Act.*

R.S.O. 1970,
c. 393

2. Section 74 of *The Government Reorganization Act*, <sup>1972, c. 1,
s. 74</sup> 1972.

19. This Act comes into force on the day it receives Royal ^{Commencement} Assent.

20. This Act may be cited as *The Ministry of Government Services Act, 1973.* ^{Short title}

The Ministry of Government
Services Act, 1973

1st Reading

March 21st, 1973

2nd Reading

3rd Reading

THE HON. J. W. SNOW
Minister of Government Services

(Government Bill)

CA20N

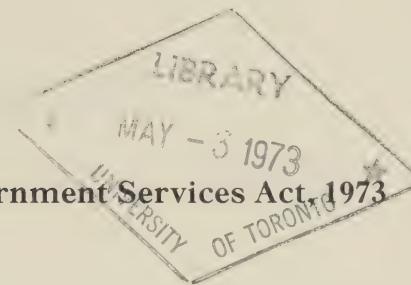
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BILL 3

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

The Ministry of Government Services Act, 1973



THE HON. J. W. SNOW
Minister of Government Services

TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

BILL 3

1973

**The Ministry of Government
Services Act, 1973**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) “commodity” means tangible personal property of every kind;
- (b) “Deputy Minister” means the Deputy Minister of Government Services;
- (c) “Government” means the Government of Ontario and includes all ministries and agencies thereof;
- (d) “Minister” means the Minister of Government Services;
- (e) “Ministry” means the Ministry of Government Services;
- (f) “public work” means any real property or interest therein belonging to the Government that was acquired by lease or otherwise including any building or structure made, built, constructed, erected, extended, enlarged, repaired, improved or formed for the public purposes of the Government or at the expense of the Government and including all appointments, furnishings and equipment installed or placed in or on or used in connection with such property that belong to the Government but does not include any work for which money is appropriated by the Legislature as a subsidy. R.S.O. 1970, c. 393, s. 1; 1972, c. 1, s. 74 (2, 3), *amended*.

2. A reference in any Act or regulation,

References
to *Public
Works Act*,
etc.

(a) to the Minister of Public Works or the Department of Public Works shall be deemed to be a reference to the Minister of Government Services or the Ministry of Government Services, respectively; or

R.S.O. 1970,
c. 393
1973, c. . .

(b) to *The Public Works Act* or *The Government Services Act* shall be deemed to be a reference to *The Ministry of Government Services Act, 1973. New.*

Ministry
continued

3.—(1) The ministry of the public service known as the Ministry of Government Services is continued.

Minister
to preside

(2) The Minister shall preside over and have charge of the Ministry.

Deputy
Minister

(3) The Lieutenant Governor in Council shall appoint a Deputy Minister of Government Services who shall be the deputy head of the Ministry. R.S.O. 1970, ss. 2, 3; 1972, c. 1, s. 74 (4), *amended*.

Staff
R.S.O. 1970,
c. 386

4.—(1) Such officers, clerks and servants may be appointed under *The Public Service Act* as are required from time to time for the proper conduct of the business of the Ministry.

Queen's
Printer

(2) The Lieutenant Governor in Council may appoint a Queen's Printer for Ontario who shall control imprint and secure legal copyright on and control title to all legislative and other material printed by the Government. R.S.O. 1970, c. 393, s. 4, *amended*.

References
to Queen's
Printer in
other Acts

(3) A reference in any Act or regulation to the Queen's Printer and Publisher shall be deemed to be a reference to the Queen's Printer. *New.*

Functions of
Ministry

5. The Ministry shall be operated as a common service agency for the Government and its activities shall be directed towards providing the ministries and agencies of the Government with services in support of the programs of those ministries and agencies. *New.*

Responsi-
bilities of
Minister

6.—(1) It is the responsibility of the Minister and he has power,

(a) in accordance with section 8, to acquire, lease and dispose of public works;

(b) to design, construct, renovate, service, maintain, repair, furnish, equip, manage and administer all premises, buildings and structures that are public works;

(c) to determine the public works or parts thereof that are open to the public and to manage and administer such public works or parts including,

- (i) regulating vehicular and pedestrian traffic,
- (ii) setting apart any building, premises or structure that is a public work, or any part thereof, for a limited use, and
- (iii) fixing and collecting fees for parking in any area in, on or under any public work set apart for the purpose.

(2) It is the responsibility of the Minister and he has power,^{Idem}

- (a) to develop and manage common services for increasing the efficiency and economy of ministries and agencies of the Government;
- (b) to establish specifications and standards concerning the acquisition of commodities by the Government, the cataloguing of commodities and the maintenance, storage and disposal of commodities;
- (c) to acquire by purchase, lease or otherwise, commodities and services required by the Government, to store all or any of such commodities and to dispose of all or any of such commodities;
- (d) to supervise and control the distribution of commodities and services to the Government; and
- (e) to provide such other services as the Lieutenant Governor in Council assigns. R.S.O. 1970, c. 393, s. 17, *amended*.

(3) Notwithstanding subsections 1 and 2, the Lieutenant Governor in Council may, for such period and under such terms and conditions as he considers suitable, assign any of the responsibilities or powers of the Minister under this section to another minister. *New.*

7. Subject to *The Management Board of Cabinet Act, 1971*,^{Assignment of responsibilities to another Minister} the Minister may charge for commodities and services provided under this Act. *New.*

1971
(2nd Sess.),
c. 12

8.—(1) The Minister may acquire by purchase, lease or otherwise, property, real or personal, including any interest therein for the use or purposes of the Government and may

Acquisition of property

dispose of such property or any interest therein, by sale, lease or otherwise, when no longer required for the use or purposes of the Government. R.S.O. 1970, c. 393, s. 8 (1), *part, amended.*

Expropriation (2) Subject to *The Expropriations Act*, the Minister, for and in the name of the Crown, may, without consent of the owner thereof, enter upon, take and expropriate any land or interest therein that he considers necessary for the use or purposes of the Government. R.S.O. 1970, c. 393, s. 13, *amended.*

Disposal of real property (3) Any disposal by the Minister of real property, or any interest therein, by way of grant, sale, lease or otherwise, is subject to the approval of the Lieutenant Governor in Council. R.S.O. 1970, c. 393, s. 8 (2).

Property vested in Crown **9.** Except as otherwise provided in any other Act or by the Lieutenant Governor in Council, all public works and all property, real or personal, or any interest therein, belonging to the Government, shall vest in the Crown and be under the control of the Minister. *New.*

Contracts **10.** The Minister, for and in the name of the Crown, may enter into any contract or agreement that he considers advisable for the purpose of carrying out this Act. R.S.O. 1970, c. 393, s. 8 (1), *part, amended.*

Enforcement of contracts **11.** Contracts respecting any public works or property, real or personal, under the control of the Ministry, entered into by the Minister, or by any other person duly authorized to enter into the same, enure to the benefit of the Crown and may be enforced as if entered into with the Crown under this Act. R.S.O. 1970, c. 393, s. 9.

Style of actions **12.** All actions and other proceedings for the enforcement of any contract for the recovery of damages for any tort or breach of contract or for the trial of any right in respect of property, real or personal, under the control of the Ministry shall be instituted in the name of the Attorney General. R.S.O. 1970, c. 393, s. 10.

Tenders **13.** Before the Minister, for and in the name of the Crown, enters into a contract in respect of the construction, renovation or repair of a public work, he shall invite tenders therefor, except,

- (a) in cases of emergency where in the opinion of the Minister delay would be damaging; or
- (b) where the estimated cost of the work is less than \$10,000,

and the Minister shall report all cases referred to in clause *a* to the Legislature forthwith, if it is in session or, if not, at the next ensuing session. R.S.O. 1970, c. 393, s. 5 (1), *amended*.

14. The Minister may require and take security by way of ^{Bonds} bond, with or without collateral security, or by way of deposit of money for the due performance of any contract entered into under this Act. R.S.O. 1970, c. 393, s. 52.

15. The Minister after the close of each year shall submit ^{Annual report} to the Lieutenant Governor in Council an annual report upon the affairs of the Ministry and shall then lay the report before the Assembly, if it is in session or, if not, at the next ensuing session. R.S.O. 1970, c. 393, s. 5 (5, 6), *amended*.

16. Where, under this or any other Act, power or authority ^{Delegation of authority} is granted to or vested in the Minister, other than the power to expropriate, he may, in writing, subject to the approval of the Lieutenant Governor in Council, delegate that power or authority to the Deputy Minister, or to any officer or officers of the Ministry, subject to such limitations, restrictions, conditions and requirements as the Minister may set out in the delegation. R.S.O. 1970, c. 393, s. 18.

17. The Lieutenant Governor in Council may make ^{Regulations} regulations,

- (a) prescribing fees for the use of property belonging to or controlled by the Government, including plans, specifications, facilities and equipment;
- (b) for the preservation and management of any public building;
- (c) prescribing the manner in which and conditions under which Government purchases, disposals or storages or any class thereof shall be carried out. R.S.O. 1970, c. 393, s. 19, *amended*.

18. The following are repealed:

^{Repeals}

1. *The Government Services Act.*

R.S.O. 1970,
c. 393

2. Section 74 of *The Government Reorganization Act*, <sup>1972, c. 1,
s. 74</sup> 1972.

19. This Act comes into force on the day it receives Royal ^{Commencement} Assent.

20. This Act may be cited as *The Ministry of Government Services Act, 1973.* ^{Short title}

The Ministry of Government
Services Act, 1973

1st Reading

March 21st, 1973

2nd Reading

April 3rd, 1973

3rd Reading

April 3rd, 1973

THE HON. J. W. SNOW
Minister of Government Services

CAZON

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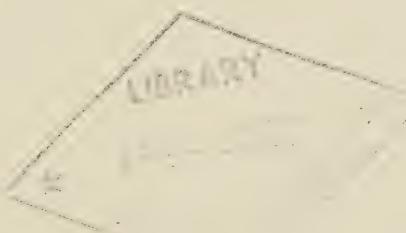
BILL 4

Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Crown Attorneys Act

THE HON. D. A. BALES
Attorney General



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The amendment substitutes Deputy Attorney General for Director of Public Prosecutions, which office no longer exists as such.

BILL 4**1973****An Act to amend The Crown Attorneys Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 1 of *The Crown Attorneys Act*, being <sup>s. 1(2),
amended</sup> chapter 101 of the Revised Statutes of Ontario, 1970, is amended by striking out “Director of Public Prosecutions” in the fourth line and inserting in lieu thereof “Deputy Attorney General”.
2. This Act comes into force on the day it receives Royal Assent. ^{Commencement}
3. This Act may be cited as *The Crown Attorneys Amendment Act, 1973*. ^{Short title}

An Act to amend
The Crown Attorneys Act

1st Reading

March 21st, 1973

2nd Reading

3rd Reading

THE HON. D. A. BALES
Attorney General

(Government Bill)

1973

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BILL 4

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Crown Attorneys Act

THE HON. D. A. BALES
Attorney General



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

BILL 4**1973****An Act to amend The Crown Attorneys Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 1 of *The Crown Attorneys Act*, being chapter 101 of the Revised Statutes of Ontario, 1970, is amended by striking out "Director of Public Prosecutions" in the fourth line and inserting in lieu thereof "Deputy Attorney General".
2. This Act comes into force on the day it receives Royal Assent.
3. This Act may be cited as *The Crown Attorneys Amendment Act, 1973*.

An Act to amend
The Crown Attorneys Act

1st Reading

March 21st, 1973

2nd Reading

March 28th, 1973

3rd Reading

March 28th, 1973

THE HON. D. A. BALES
Attorney General

CAZON

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BILL 5

Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Crown Witnesses Act

THE HON. D. A. BALES
Attorney General



EXPLANATORY NOTE

The amendment substitutes Deputy Attorney General for Director of Public Prosecutions, which office no longer exists as such.

BILL 5

1973

An Act to amend The Crown Witnesses Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 3 of section 2 of *The Crown Witnesses Act*,<sup>s. 2(3),
amended</sup> being chapter 103 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1971, chapter 5, section 1, is amended by striking out “Director of Public Prosecutions” in the second line and inserting in lieu thereof “Deputy Attorney General”.
- (2) Subsection 4 of the said section 2 is amended by striking <sup>s. 2(4),
amended</sup> out “Director of Public Prosecutions” in the first line and inserting in lieu thereof “Deputy Attorney General”.
2. This Act comes into force on the day it receives Royal Assent.^{Commencement}
3. This Act may be cited as *The Crown Witnesses Amendment Act, 1973.*^{Short title}

THE CROWN WITNESSES ACT

1st Reading

March 21st, 1973

2nd Reading

3rd Reading

THE HON. D. A. BALES
Attorney General

(Government Bill)

1973

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BILL 5

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Crown Witnesses Act

THE HON. D. A. BALES
Attorney General



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

An Act to amend The Crown Witnesses Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 3 of section 2 of *The Crown Witnesses Act*,^{s. 2(3), amended} being chapter 103 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1971, chapter 5, section 1, is amended by striking out “Director of Public Prosecutions” in the second line and inserting in lieu thereof “Deputy Attorney General”.
- (2) Subsection 4 of the said section 2 is amended by striking ^{s. 2(4), amended} out “Director of Public Prosecutions” in the first line and inserting in lieu thereof “Deputy Attorney General”.
2. This Act comes into force on the day it receives Royal Assent.^{Commencement}
3. This Act may be cited as *The Crown Witnesses Amendment Act, 1973*.^{Short title}

An Act to amend
The Crown Witnesses Act

1st Reading

March 21st, 1973

2nd Reading

March 28th, 1973

3rd Reading

March 28th, 1973

THE HON. D. A. BALES
Attorney General

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-B 56

BILL 6

Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Administration of Justice Act

THE HON. D. A. BALES
Attorney General



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The amendments substitute Deputy Attorney General for Director of Public Prosecutions, which office no longer exists as such.

BILL 6

1973

**An Act to amend
The Administration of Justice Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 1 of section 6 of *The Administration of Justice Act*, being chapter 6 of the Revised Statutes of Ontario, 1970, is amended by striking out “Director of Public Prosecutions” in the third line and in the fifth line and inserting in lieu thereof in each instance “Deputy Attorney General”.
- (2) Subsection 2 of the said section 6 is amended by striking out “Director of Public Prosecutions” in the first line and in the fifth and sixth lines and inserting in lieu thereof in each instance ‘Deputy Attorney General’.
- (3) Subsection 3 of the said section 6, as amended by the Statutes of Ontario, 1971, chapter 8, section 1, is further amended by striking out “Director of Public Prosecutions” in the first line and inserting in lieu thereof “Deputy Attorney General”.
2. This Act comes into force on the day it receives Royal Assent.
3. This Act may be cited as *The Administration of Justice Amendment Act, 1973*.

The Administration of Justice Act
An Act to amend

1st Reading

March 21st, 1973

2nd Reading

3rd Reading

THE HON. D. A. BALES
Attorney General

(Government Bill)

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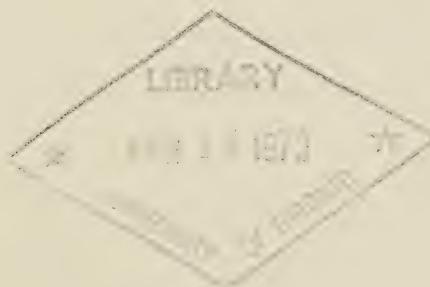
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BILL 6

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Administration of Justice Act

THE HON. D. A. BALES
Attorney General



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

**An Act to amend
The Administration of Justice Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 1 of section 6 of *The Administration of Justice Act*, being chapter 6 of the Revised Statutes of Ontario, 1970, is amended by striking out “Director of Public Prosecutions” in the third line and in the fifth line and inserting in lieu thereof in each instance “Deputy Attorney General”.
- (2) Subsection 2 of the said section 6 is amended by striking out “Director of Public Prosecutions” in the first line and in the fifth and sixth lines and inserting in lieu thereof in each instance “Deputy Attorney General”.
- (3) Subsection 3 of the said section 6, as amended by the Statutes of Ontario, 1971, chapter 8, section 1, is further amended by striking out “Director of Public Prosecutions” in the first line and inserting in lieu thereof “Deputy Attorney General”.

2. This Act comes into force on the day it receives Royal Assent.
3. This Act may be cited as *The Administration of Justice Amendment Act, 1973*.

The Administration of Justice Act
An Act to amend

1st Reading

March 21st, 1973

2nd Reading

March 28th, 1973

3rd Reading

March 28th, 1973

THE HON. D. A. BALES
Attorney General

CAZON

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-B 56

BILL 7

Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

EDUCATION
EDUCATION

An Act to amend The Limited Partnerships Act

THE HON. J. T. CLEMENT
Minister of Consumer and Commercial Relations



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTION 1—Subsection 1. The form of certificate is deleted from the Act to be prescribed by regulation.

Subsection 2. The amendment permits an address for service to be shown in the certificate in place of residence.

Subsection 3. It is no longer necessary to stipulate a termination date in the certificate because section 5 of the Bill provides for automatic expiry subject to renewal.

Subsection 4. Further information may be required by the regulations.

SECTION 2. Section 6 of the Act requires certificates to be notarized and this requirement is deleted. The present section 7 is re-enacted as section 6 and excepts from the application of *The Partnership's Registration Act* the provisions for extension of time for filing.

BILL 7

1973

**An Act to amend
The Limited Partnerships Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Section 5 of *The Limited Partnerships Act*, being chapter ^{s. 5, amended} 247 of the Revised Statutes of Ontario, 1970, is amended by striking out “in Form 1” in the second line.
- (2) Clause *c* of the said section 5 is repealed and the following ^{s. 5 (c), re-enacted} substituted therefor:
 - (c) the full names of all the general and limited partners, distinguishing which are general and which are limited partners, and the residence address or address for service of each general or limited partner, giving street and number, if any.
- (3) Clause *e* of the said section 5 is repealed and the following ^{s. 5 (e), re-enacted} substituted therefor:
 - (e) the time when the partnership is to commence.
- (4) The said section 5 is further amended by adding thereto ^{s. 5, amended} the following clause:
 - (g) such other information as is required by the regulations made under this Act.
2. Sections 6 and 7 of the said Act are repealed and the following ^{s. 6, re-enacted; s. 7, repealed} substituted therefor:
 6. The provisions of *The Partnerships Registration Act*, ^{Filing and recording} except section 8*a* and subsection 2 of section 15*a*, and the ^{R.S.O. 1970, c. 340} regulations thereunder, applying to the filing and recording of declarations under that Act, apply to certificates under this Act.

s. 9,
re-enacted

3. Section 9 of the said Act is repealed and the following substituted therefor:

Fees

R.S.O. 1970,
c. 340

s. 10,
amended

ss. 11-13,
re-enacted

Expiration
of certifi-
cates

Effect of
expiration

Effect of
alterations

Use of
partnership
name

Composition
of name

Use of
prohibited
name

9. The same fees are payable for services under this Act as are prescribed for the corresponding services by the regulations made under *The Partnerships Registration Act*.

4. Section 10 of the said Act is amended by striking out "certified" in the second line.

5. Sections 11, 12 and 13 of the said Act are repealed and the following substituted therefor:

11.—(1) Every certificate filed under this Act expires,

(a) in the case of a certificate filed before the 1st day of July, 1973, on the 1st day of January, 1975;

(b) in the case of a certificate filed after the 1st day of July, 1973, in five years after its date of filing,

subject to renewal by filing a new certificate in every case for a further period of five years from time to time.

(2) Where a certificate has expired, the partnership ceases to be a limited partnership and the partners are liable as general partners until a new certificate is filed under this Act.

12. Whenever any change takes place in the partnership name, in the names of the partners, in the nature of the business or in the capital or shares thereof, the partnership ceases to be a limited partnership and the partners are liable as general partners to any creditor of the partnership who deals with the partnership without actual knowledge of the nature of the limited liability, unless a new certificate is filed showing such changes.

13.—(1) The business of a limited partnership shall be conducted under the name of the partnership.

(2) The name of a limited partnership shall not include the surname or a distinctive part of the corporate name of a limited partner.

(3) Where the business of a limited partnership is conducted under a firm name that includes the surname or a distinctive part of the corporate name of a limited partner, the limited partner is liable as a general partner to any creditor of the limited partnership who deals with the partnership without actual knowledge that the limited partner is not a general partner.

SECTION 3. The amendment contemplates the payment of fees for services other than filing declarations.

SECTION 4. The amendment is complementary to the amendment in section 2 of this Bill removing the requirement for the execution of a certificate to be certified by a notary public.

SECTION 5. The new section 11 provides for the automatic expiration of certificates in five years, subject to renewal. Provision is made for renewal of previously filed certificates.

Section 12 is rewritten for clarification.

The new section 13 permits the partnership to use a name that does not include the name of a general partner but forbids the name to include the name of a limited partner.

SECTION 6. The amendment adapts the provision to the concept of certificates that expire from lapse of time.

Provision is made for regulations to prescribe forms and provide for the clearing off of expired certificates.

SECTION 7. The Form repealed is to be prescribed by regulation.

6. Section 19 of the said Act is repealed and the following sub-^{s. 19.}_{re-enacted}stituted therefor:

19. No dissolution of a limited partnership by the acts of the parties shall take place before the expiry of the partnership certificate until a notice of the dissolution has been filed and has been published once in each week, for three weeks, in a newspaper having general circulation in the area where the partnership has its principal place of business and at the same intervals in *The Ontario Gazette*.^{No premature dissolution without notice, etc.}

20. The Lieutenant Governor in Council may make regulations,^{Regulations}

- (a) respecting the form of any document required to be filed under this Act;
- (b) respecting the custody and destruction of certificates.

7. Form 1 of the said Act is repealed.

<sup>Form 1,
repealed</sup>

8. This Act comes into force on the 1st day of July, 1973.

^{Commencement}

9. This Act may be cited as *The Limited Partnerships Amendment Act, 1973.*^{Short title}

An Act to amend
The Limited Partnerships Act

1st Reading

March 21st, 1973

2nd Reading

3rd Reading

THE HON. J. T. CLEMENT
Minister of Consumer
and Commercial Relations

(*Government Bill*)

CAZON

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-356

BILL 7

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973



An Act to amend The Limited Partnerships Act

THE HON. J. T. CLEMENT
Minister of Consumer and Commercial Relations

TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

BILL 7

1973

**An Act to amend
The Limited Partnerships Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Section 5 of *The Limited Partnerships Act*, being chapter ^{s.5, amended} 247 of the Revised Statutes of Ontario, 1970, is amended by striking out “in Form 1” in the second line.
- (2) Clause *c* of the said section 5 is repealed and the following ^{s.5(c), re-enacted} substituted therefor:
 - (c) the full names of all the general and limited partners, distinguishing which are general and which are limited partners, and the residence address or address for service of each general or limited partner, giving street and number, if any.
- (3) Clause *e* of the said section 5 is repealed and the following ^{s.5(e), re-enacted} substituted therefor:
 - (e) the time when the partnership is to commence.
- (4) The said section 5 is further amended by adding thereto ^{s.5, amended} the following clause:
 - (g) such other information as is required by the regulations made under this Act.
2. Sections 6 and 7 of the said Act are repealed and the following ^{s.6, re-enacted; s.7, repealed} substituted therefor:
 6. The provisions of *The Partnerships Registration Act*, ^{Filing and recording} except section 8a and subsection 2 of section 15a, and the ^{R.S.O. 1970, c. 340} regulations thereunder, applying to the filing and recording of declarations under that Act, apply to certificates under this Act.

s. 9,
re-enacted

3. Section 9 of the said Act is repealed and the following substituted therefor:

Fees

R.S.O. 1970,
c. 340

9. The same fees are payable for services under this Act as are prescribed for the corresponding services by the regulations made under *The Partnerships Registration Act*.

s. 10,
amended

4. Section 10 of the said Act is amended by striking out "certified" in the second line.

ss. 11-13,
re-enacted

5. Sections 11, 12 and 13 of the said Act are repealed and the following substituted therefor:

Expiration
of certifi-
cates

11.—(1) Every certificate filed under this Act expires,

(a) in the case of a certificate filed before the 1st day of July, 1973, on the 1st day of January, 1975;

(b) in the case of a certificate filed after the 1st day of July, 1973, in five years after its date of filing,

subject to renewal by filing a new certificate in every case for a further period of five years from time to time.

Effect of
expiration

(2) Where a certificate has expired, the partnership ceases to be a limited partnership and the partners are liable as general partners until a new certificate is filed under this Act.

Effect of
alterations

12. Whenever any change takes place in the partnership name, in the names of the partners, in the nature of the business or in the capital or shares thereof, the partnership ceases to be a limited partnership and the partners are liable as general partners to any creditor of the partnership who deals with the partnership without actual knowledge of the nature of the limited liability, unless a new certificate is filed showing such changes.

Use of
partnership
name

13.—(1) The business of a limited partnership shall be conducted under the name of the partnership.

Composition
of name

(2) The name of a limited partnership shall not include the surname or a distinctive part of the corporate name of a limited partner.

Use of
prohibited
name

(3) Where the business of a limited partnership is conducted under a firm name that includes the surname or a distinctive part of the corporate name of a limited partner, the limited partner is liable as a general partner to any creditor of the limited partnership who deals with the partnership without actual knowledge that the limited partner is not a general partner.

6. Section 19 of the said Act is repealed and the following sub-^{s. 19,} re-enacted substituted therefor:

19. No dissolution of a limited partnership by the acts of the parties shall take place before the expiry of the partnership certificate until a notice of the dissolution has been filed and has been published once in each week, for three weeks, in a newspaper having general circulation in the area where the partnership has its principal place of business and at the same intervals ^{No premature dissolution without notice, etc.} in *The Ontario Gazette*.

20. The Lieutenant Governor in Council may make regulations,

- (a) respecting the form of any document required to be filed under this Act;
- (b) respecting the custody and destruction of certificates.

7. Form 1 of the said Act is repealed.

Form 1,
repealed

8. This Act comes into force on the 1st day of July, 1973.

Commencement

9. This Act may be cited as *The Limited Partnerships Amendment Act, 1973.*

Short title

An Act to amend
The Limited Partnerships Act

1st Reading

March 21st, 1973

2nd Reading

April 3rd, 1973

3rd Reading

April 3rd, 1973

THE HON. J. T. CLEMENT
Minister of Consumer
and Commercial Relations

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-B 56

BILL 8

Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Partnerships Registration Act

THE HON. J. T. CLEMENT
Minister of Consumer and Commercial Relations



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTION 1. The forms are deleted from the Act to be prescribed by regulation.

Corporations using a different trade name are not required to file under this Act where they have already filed under *The Corporations Information Act, 1971*. The use of different trade names by partnerships is prohibited.

Provision is made to discontinue the use of local registry offices for filing declarations after the 1st day of January, 1975. Then filings will be made in one central location at a place to be designated.

SECTION 2. The amendment substitutes address for service in place of place of residence and excepts corporations from the requirement for stating age.

**An Act to amend
The Partnerships Registration Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Partnerships Registration Act*, being chapter^{s. 1, re-enacted} 340 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

1.—(1) Persons associated in partnership for trading, ^{Filing of} manufacturing or mining purposes shall cause to be filed with ^{partnership declaration} the Registrar of Partnerships a declaration in writing.

(2) A declaration is not required to be filed under this ^{Exception} Act where all the members of a partnership are corporations or where the person to whom section 8 applies is a corporation and each corporation has complied with the requirements of section 2 of *The Corporations Information Act, 1971*.^{1971, c. 27}

(3) The business of a partnership shall be conducted under ^{Business name} the name of the partnership.

1a. Every document required or permitted to be filed with ^{Place of filing} the Registrar of Partnerships under this Act may, until the 1st day of January, 1975, be filed with him in the land registry office of the registry division in which the partnership carries on or intends to carry on business, and thereafter in the place prescribed by the regulations.

2.—(1) Clause *a* of section 2 of the said Act is repealed and the ^{s. 2(a), re-enacted} following substituted therefor:

(a) the full name and residence address or address for service of each partner, giving street and number, if any.

(2) The said section 2, as amended by the Statutes of Ontario, ^{s. 2, amended} 1971, chapter 98, section 4, is further amended by

striking out "and" at the end of clause *d* and by striking out clause *e* and inserting in lieu thereof the following:

- (e) except in respect of a partner that is a corporation, which of the partners are of the full age of eighteen years and, where a partner is less than eighteen years of age, the date of his birth; and
- (f) such other information as is required by the regulations made under this Act.

ss. 3, 4,
re-enacted

3. Sections 3 and 4 of the said Act are repealed and the following substituted therefor:

When
declaration
to be filed

3. Every declaration shall be filed within sixty days next after the formation of the partnership or, in the case of a declaration under section 8, within sixty days of the time when the name or designation is first used.

Declaration
where
changes

4. Whenever any change takes place in the membership of a partnership, in the residence address or address for service of any partner or in the name of a partnership, the partners shall cause to be filed within sixty days after the change takes place a new declaration setting out the information required by section 2.

s. 6,
amended

4. Section 6 of the said Act is amended by striking out "in Form 2" in the second and third lines.

s. 7(1),
re-enacted

5. Subsection 1 of section 7 of the said Act is repealed and the following substituted therefor:

Effect of
failure to
file
declaration
of change or
dissolution

(1) No person who signed the declaration under section 1 or a subsequent declaration under section 4 or 15a shall be deemed as against creditors to have ceased to be a partner until a declaration of dissolution under section 6 is made and filed or a declaration is filed under section 4 omitting his name.

s. 8(1),
amended

6.—(1) Subsection 1 of section 8 of the said Act is amended by striking out "the registrar of the registry division in which he carries on or intends to carry on business" in the eighth and ninth lines and inserting in lieu thereof "the Registrar of Partnerships".

s. 8(2)(a),
re-enacted

(2) Clause *a* of subsection 2 of the said section 8 is repealed and the following substituted therefor:

(a) the full name and residence address or address for service, giving street and number, if any, of the person making the declaration.

SECTION 3. The provision for extension of time for filing is deleted from this provision and re-enacted by section 7 of this Bill where its application is widened to include all declarations.

The declaration of changes is extended to include changes of address.

SECTION 4. Reference to Form 2 is deleted as the Form will be prescribed by regulation.

SECTION 5. The provision is re-enacted for clarification.

SECTION 6.—Subsection 1. Complementary to sections 1 and 12 of this Bill.

Subsections 2 and 3. The same changes are made in the declaration required for a single proprietor carrying on business in a name other than his own as are made by section 2 of this Bill in respect of partnership declarations.

Subsection 4. A declaration of changes is required in the case of sole proprietorship.

SECTION 7. The amendment provides for extensions of time for filing any declaration and such extensions may be granted by the Registrar of Partnerships. At present extensions may be granted by a county court judge for first filings only.

SECTION 8. The penalty section is strengthened and the maximum penalties increased.

(3) Subsection 2 of the said section 8 is amended by striking ^{s. 8 (2),} ~~and~~ out "and" at the end of clause *c* and by striking out clause *d* and inserting in lieu thereof the following:

- (d) that the person is at least eighteen years of age or the date of his birth if he is under the age of eighteen years; and
- (e) such other information as is required by the regulations made under this Act.

(4) The said section 8 is amended by adding thereto the ^{s. 8,} ~~and~~ following subsection:

(3) Whenever any change takes place in the residence address or address for service of the person making the declaration or in the name or designation under which he carries on business, he shall cause to be filed within sixty days after the change takes place a new declaration setting out the information required by subsection 2.

7. The said Act is amended by adding thereto the following section: ^{s. 8a.} ~~enacted~~

8a. Subject to subsection 2 of section 15a, the Registrar of Partnerships may extend the period for filing any declaration under this Act upon being satisfied that the failure to file arose from misadventure, ignorance or some other cause that constitutes a reasonable excuse and that the partners or other declarant have acted and are acting in good faith.

8. Sections 10 and 11 of the said Act are repealed and the following ^{s. 10,} ~~re-enacted~~ ^{s. 11,} ~~repealed~~ substituted therefor:

10.—(1) Every person who, Offences

- (a) contravenes this Act or the regulations;
- (b) contravenes any provision of this Act or the regulations; or
- (c) makes a statement in any document, material, evidence or information submitted or required by or for the purposes of this Act that, at the time and in the light of the circumstances under which it is made, is false or misleading with respect to any material fact or that omits to state any material fact, the omission of which makes the statement false or misleading,

is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or, if such person is a corporation, to a fine of not more than \$20,000.

False statements wilful

(2) No person is guilty of an offence referred to in clause *c* of subsection 1 if he did not know that the statement was false or misleading and in the exercise of reasonable diligence could not have known that the statement was false or misleading.

Liability of directors and officers

(3) Where a corporation is guilty of an offence under subsection 1, every director or officer of such corporation, and where the corporation is an extra-provincial corporation, every person acting as its representative in Ontario, who authorized, permitted or acquiesced in such an offence is also guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000.

s. 12, amended

9. Section 12 of the said Act is amended by striking out "registrar" in the first line and inserting in lieu thereof "Registrar of Partnerships".

s. 15 (1) (a), amended

10.—(1) Clause *a* of subsection 1 of section 15 of the said Act is amended by striking out "registrars of deeds" in the first and second lines and inserting in lieu thereof "the Registrar of Partnerships".

s. 15 (1) (b), amended

(2) Clause *b* of subsection 1 of the said section 15 is amended by striking out "to registrars of deeds" in the first line.

s. 15 (1) (c), re-enacted

(3) Clause *c* of subsection 1 of the said section 15 is repealed and the following substituted therefor:

(*c*) respecting the form of any document required to be filed under this Act;

(*d*) respecting the custody and destruction of declarations;

(*e*) prescribing the place for filing documents under this Act with the Registrar of Partnerships after the 1st day of January, 1975.

s. 15a, enacted

11. The said Act is amended by adding thereto the following section:

Expiration of declarations

15a.—(1) Every declaration filed under this Act expires,

(*a*) in the case of a declaration filed before the 1st day of July, 1973, on the 1st day of January, 1975;

(*b*) in the case of a declaration filed after the 1st day of July, 1973, in five years after its date of filing,

SECTIONS 9 AND 10. The official responsible for custody of filings is changed to the Registrar of Partnerships.

Regulations are authorized for the form of documents, the custody and destruction of declarations and the place of filing under central registry.

SECTION 11. At present, declarations filed have no expiration. The amendment provides for expiration after five years, subject to a new filing. Transitional provision is made for giving time to preserve filings made in the past.

SECTION 12. The forms repealed are to be prescribed by regulation.

subject to renewal by filing a new declaration in every case for a further period of five years from time to time.

(2) Where a declaration of a partnership or a declaration under section 8 has been filed before the 1st day of July, 1973^{Extension of time after expiration} and has expired by the operation of clause *a* of subsection 1, the Registrar of Partnerships shall, upon application therefor made before the 1st day of January, 1980, extend the time for renewal to a date sufficient to provide an opportunity to file the renewal and the declaration referred to in clause *a* of subsection 1 shall be deemed to not have expired until that date.

12. Forms 1 and 2 of the said Act are repealed.

Forms 1, 2,
repealed

13. This Act comes into force on the 1st day of July, 1973.

Commencement

14. This Act may be cited as *The Partnerships Registration Amendment Act, 1973.*

Short title

An Act to amend
The Partnerships Registration Act

1st Reading

March 21st, 1973

2nd Reading

3rd Reading

THE HON. J. T. CLEMENT
Minister of Consumer and
Commercial Relations

(Government Bill)

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-B 56

BILL 8

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973



An Act to amend The Partnerships Registration Act

THE HON. J. T. CLEMENT
Minister of Consumer and Commercial Relations

TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

BILL 8

1973

**An Act to amend
The Partnerships Registration Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Partnerships Registration Act*, being chapter^{s. 1, re-enacted} 340 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

1.—(1) Persons associated in partnership for trading, ^{Filing of} manufacturing or mining purposes shall cause to be filed with ^{partnership declaration} the Registrar of Partnerships a declaration in writing.

(2) A declaration is not required to be filed under this^{Exception} Act where all the members of a partnership are corporations or where the person to whom section 8 applies is a corporation and each corporation has complied with the requirements of section 2 of *The Corporations Information Act, 1971*,^{1971, c. 27}

(3) The business of a partnership shall be conducted under^{Business name} the name of the partnership.

1a. Every document required or permitted to be filed with ^{Place of} ^{filing} the Registrar of Partnerships under this Act may, until the 1st day of January, 1975, be filed with him in the land registry office of the registry division in which the partnership carries on or intends to carry on business, and thereafter in the place prescribed by the regulations.

2.—(1) Clause *a* of section 2 of the said Act is repealed and the^{s. 2(a), re-enacted} following substituted therefor:

(a) the full name and residence address or address for service of each partner, giving street and number, if any.

(2) The said section 2, as amended by the Statutes of Ontario, ^{s. 2, amended} 1971, chapter 98, section 4, is further amended by

striking out "and" at the end of clause *d* and by striking out clause *e* and inserting in lieu thereof the following:

(e) except in respect of a partner that is a corporation, which of the partners are of the full age of eighteen years and, where a partner is less than eighteen years of age, the date of his birth; and

(f) such other information as is required by the regulations made under this Act.

ss. 3, 4,
re-enacted

3. Sections 3 and 4 of the said Act are repealed and the following substituted therefor:

When
declaration
to be filed

3. Every declaration shall be filed within sixty days next after the formation of the partnership or, in the case of a declaration under section 8, within sixty days of the time when the name or designation is first used.

Declaration
where
changes

4. Whenever any change takes place in the membership of a partnership, in the residence address or address for service of any partner or in the name of a partnership, the partners shall cause to be filed within sixty days after the change takes place a new declaration setting out the information required by section 2.

s. 6,
amended

4. Section 6 of the said Act is amended by striking out "in Form 2" in the second and third lines.

s. 7(1),
re-enacted

5. Subsection 1 of section 7 of the said Act is repealed and the following substituted therefor:

Effect of
failure to
file
declaration
of change or
dissolution

(1) No person who signed the declaration under section 1 or a subsequent declaration under section 4 or 15a shall be deemed as against creditors to have ceased to be a partner until a declaration of dissolution under section 6 is made and filed or a declaration is filed under section 4 omitting his name.

s. 8(1),
amended

6.—(1) Subsection 1 of section 8 of the said Act is amended by striking out "the registrar of the registry division in which he carries on or intends to carry on business" in the eighth and ninth lines and inserting in lieu thereof "the Registrar of Partnerships".

s. 8(2)(a),
re-enacted

(2) Clause *a* of subsection 2 of the said section 8 is repealed and the following substituted therefor:

(a) the full name and residence address or address for service, giving street and number, if any, of the person making the declaration.

(3) Subsection 2 of the said section 8 is amended by striking out "and" at the end of clause *c* and by striking out clause *d* and inserting in lieu thereof the following:

- (*d*) that the person is at least eighteen years of age or the date of his birth if he is under the age of eighteen years; and
- (*e*) such other information as is required by the regulations made under this Act.

(4) The said section 8 is amended by adding thereto the following subsection:

(3) Whenever any change takes place in the residence address or address for service of the person making the declaration or in the name or designation under which he carries on business, he shall cause to be filed within sixty days after the change takes place a new declaration setting out the information required by subsection 2.

7. The said Act is amended by adding thereto the following section:

8a. Subject to subsection 2 of section 15a, the Registrar of Partnerships may extend the period for filing any declaration under this Act upon being satisfied that the failure to file arose from misadventure, ignorance or some other cause that constitutes a reasonable excuse and that the partners or other declarant have acted and are acting in good faith.

8. Sections 10 and 11 of the said Act are repealed and the following substituted therefor:

10.—(1) Every person who,

Offences

(*a*) contravenes this Act or the regulations;

(*b*) contravenes any provision of this Act or the regulations; or

(*c*) makes a statement in any document, material, evidence or information submitted or required by or for the purposes of this Act that, at the time and in the light of the circumstances under which it is made, is false or misleading with respect to any material fact or that omits to state any material fact, the omission of which makes the statement false or misleading,

is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or, if such person is a corporation, to a fine of not more than \$20,000.

False statements wilful

(2) No person is guilty of an offence referred to in clause *c* of subsection 1 if he did not know that the statement was false or misleading and in the exercise of reasonable diligence could not have known that the statement was false or misleading.

Liability of directors and officers

(3) Where a corporation is guilty of an offence under subsection 1, every director or officer of such corporation, and where the corporation is an extra-provincial corporation, every person acting as its representative in Ontario, who authorized, permitted or acquiesced in such an offence is also guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000.

s. 12, amended

9. Section 12 of the said Act is amended by striking out "registrar" in the first line and inserting in lieu thereof "Registrar of Partnerships".

s. 15 (1) (a), amended

10.—(1) Clause *a* of subsection 1 of section 15 of the said Act is amended by striking out "registrar of deeds" in the first and second lines and inserting in lieu thereof "the Registrar of Partnerships".

s. 15 (1) (b), amended

(2) Clause *b* of subsection 1 of the said section 15 is amended by striking out "to registrars of deeds" in the first line.

s. 15 (1) (c), re-enacted

(3) Clause *c* of subsection 1 of the said section 15 is repealed and the following substituted therefor:

(*c*) respecting the form of any document required to be filed under this Act;

(*d*) respecting the custody and destruction of declarations;

(*e*) prescribing the place for filing documents under this Act with the Registrar of Partnerships after the 1st day of January, 1975.

s. 15a, enacted

11. The said Act is amended by adding thereto the following section:

Expiration of declarations

15a.—(1) Every declaration filed under this Act expires,

(*a*) in the case of a declaration filed before the 1st day of July, 1973, on the 1st day of January, 1975;

(*b*) in the case of a declaration filed after the 1st day of July, 1973, in five years after its date of filing.

subject to renewal by filing a new declaration in every case for a further period of five years from time to time.

(2) Where a declaration of a partnership or a declaration under section 8 has been filed before the 1st day of July, 1973 and has expired by the operation of clause *a* of subsection 1, the Registrar of Partnerships shall, upon application therefor made before the 1st day of January, 1980, extend the time for renewal to a date sufficient to provide an opportunity to file the renewal and the declaration referred to in clause *a* of subsection 1 shall be deemed to not have expired until that date.

12. Forms 1 and 2 of the said Act are repealed.

Forms 1, 2,
repealed

13. This Act comes into force on the 1st day of July, 1973.

Commencement

14. This Act may be cited as *The Partnerships Registration Amendment Act, 1973.*

Short title

An Act to amend
The Partnerships Registration Act

1st Reading

March 21st, 1973

2nd Reading

April 3rd, 1973

3rd Reading

April 3rd, 1973

THE HON. J. T. CLEMENT
Minister of Consumer and
Commercial Relations

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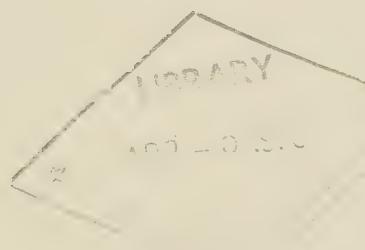
BILL 9

Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Consumer Protection Bureau Act

THE HON. J. T. CLEMENT
Minister of Consumer and Commercial Relations



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The clause deleted makes it the responsibility of the Bureau to promote and assist existing counselling services in respect of consumer credit. This duty has been given to the Ministry of Community and Social Services by section 2 of *The Ministry of Community and Social Services Amendment Act, 1972*.

BILL 9

1973

**An Act to amend
The Consumer Protection Bureau Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *b* of subsection 2 of section 1 of *The Consumer Protection Bureau Act*, being chapter 83 of the Revised Statutes of Ontario, 1970, is repealed.
2. This Act comes into force on the day it receives Royal Assent. Commencement
3. This Act may be cited as *The Consumer Protection Bureau Amendment Act, 1973*. Short title

An Act to amend
The Consumer Protection
Bureau Act

1st Reading

March 21st, 1973

2nd Reading

3rd Reading

THE HON. J. T. CLEMENT
Minister of Consumer and
Commercial Relations

(Government Bill)

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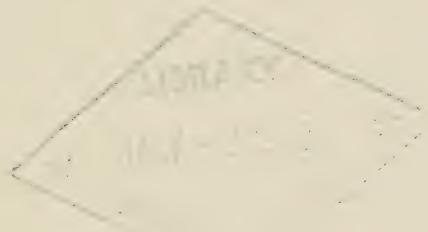
BILL 9

Government
Publications

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Consumer Protection Bureau Act

THE HON. J. T. CLEMENT
Minister of Consumer and Commercial Relations



TORONTO
PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

BILL 9

1973

**An Act to amend
The Consumer Protection Bureau Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *b* of subsection 2 of section 1 of *The Consumer Protection Bureau Act*, being chapter 83 of the Revised Statutes of Ontario, 1970, is repealed.<sup>s. 1 (2) (b),
repealed</sup>
2. This Act comes into force on the day it receives Royal Assent. ^{Commencement}
3. This Act may be cited as *The Consumer Protection Bureau Amendment Act, 1973*. ^{Short title}

An Act to amend
The Consumer Protection
Bureau Act

1st Reading

March 21st, 1973

2nd Reading

April 3rd, 1973

3rd Reading

April 3rd, 1973

THE HON. J. T. CLEMENT
Minister of Consumer and
Commercial Relations

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-B 56

BILL 10

Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Collection Agencies Act

THE HON. J. T. CLEMENT
Minister of Consumer and Commercial Relations



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The amendment adds credit unions to the activities exempt from the application of the Act, and corrects reference to *The Consumer Protection Bureau Act* in recognition of the transfer of the function of promoting and assisting consumer credit counselling services to the Ministry of Community and Social Services by *The Ministry of Community and Social Services Amendment Act, 1972*.

BILL 10**1973****An Act to amend The Collection Agencies Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Collection Agencies Act*, being chapter 71 of the ^{s. 2.} Revised Statutes of Ontario, 1970, is amended by striking out ^{amended} "or" at the end of clause *f* and by striking out clause *g* and inserting in lieu thereof the following:
 - (g) to a credit union incorporated under *The Credit Unions Act* ^{R.S.O. 1970, c. 96} or any employee thereof acting in the regular course of his employment; or
 - (h) to a person providing counselling services in respect of consumer credit and receiving public money under *The Ministry of Community and Social Services Act* ^{R.S.O. 1970, c. 120} for the purpose.
2. This Act comes into force on the day it receives Royal Assent. ^{Commencement}
3. This Act may be cited as *The Collection Agencies Amendment Act, 1973*. ^{Short title}

An Act to amend
The Collection Agencies Act

1st Reading

March 21st, 1973

2nd Reading

3rd Reading

THE HON. J. T. CLEMENT
Minister of Consumer and
Commercial Relations

(Government Bill)

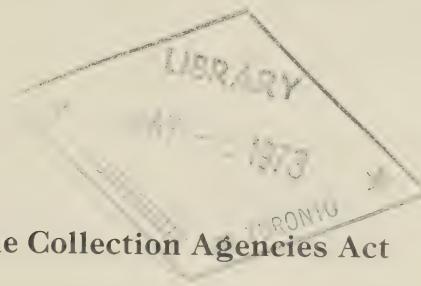
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BILL 10

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973



An Act to amend The Collection Agencies Act

THE HON. J. T. CLEMENT
Minister of Consumer and Commercial Relations

TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

BILL 10

1973

An Act to amend The Collection Agencies Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Collection Agencies Act*, being chapter 71 of the ^{s. 2.} Revised Statutes of Ontario, 1970, is amended by striking out ^{amended} "or" at the end of clause *f* and by striking out clause *g* and inserting in lieu thereof the following:
 - (g) to a credit union incorporated under *The Credit Unions Act* ^{R.S.O. 1970, c. 96} or any employee thereof acting in the regular course of his employment; or
 - (h) to a person providing counselling services in respect of consumer credit and receiving public money under *The Ministry of Community and Social Services Act* ^{R.S.O. 1970, c. 120} for the purpose.
2. This Act comes into force on the day it receives Royal Assent. Commencement
3. This Act may be cited as *The Collection Agencies Amendment Act, 1973.* Short title

An Act to amend
The Collection Agencies Act

1st Reading

March 21st, 1973

2nd Reading

April 3rd, 1973

3rd Reading

April 3rd, 1973

THE HON. J. T. CLEMENT
Minister of Consumer and
Commercial Relations

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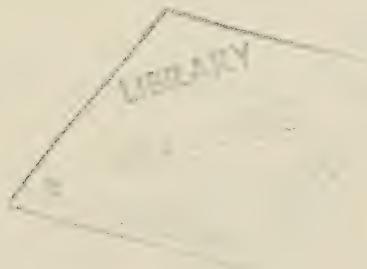
BILL 11

Private Member's Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

**An Act respecting Labour Disputes between certain
Employers and the International Union of Elevator
Constructors, Locals 50, 90 and 96**

MR. BOUNSALL



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The purpose of this Bill is to provide an arbitration procedure for current disputes between Canadian elevator manufacturers and the local unions of the International Union of Elevator Constructors. The conclusions of the arbitration board are not binding on the parties.

BILL 11

1973

An Act respecting Labour Disputes between certain Employers and the International Union of Elevator Constructors, Locals 50, 90 and 96

WHEREAS Armor Elevator Canada Limited, Dover Corporation (Canada) Limited, Montgomery Elevator Co. Limited, Otis Elevator Company Limited and Westinghouse Canada Limited, employers, and the International Union of Elevator Constructors, Locals 50, 90 and 96, have been parties to collective agreements, the latest of which has expired; and whereas the parties have bargained for new collective agreements and to that end have exhausted conciliation services under *The Labour Relations Act*; and whereas the public interest and welfare requires that means be provided to bring the strikes to an end and to settle all matters that are in dispute between the parties in order that new collective agreements may be concluded between the parties;

R.S.O. 1970.
c. 232

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this Act,

Interpre-
tation

- (a) “board” means the board of arbitration established under this Act;
- (b) “employers” means Armor Elevator Canada Limited, Dover Corporation (Canada) Limited, Montgomery Elevator Co. Limited, Otis Elevator Company Limited and Westinghouse Canada Limited, or any one of them;
- (c) “Minister” means the Minister of Labour;
- (d) “parties” means the employers and the unions;
- (e) “unions” means the International Union of Elevator Constructors Locals numbers 50, 90 and 96, or any one of them.

Idem (2) Unless a contrary intention appears, expressions used in this Act have the same meaning as in *The Labour Relations Act*.

Application of Act **2.**—(1) This Act applies to the parties and to the employees of the employers in the bargaining units defined in the collective agreements between the parties which were effective until and including the 30th day of April, 1972.

Application of R.S.O. 1970, c. 232 (2) Except as modified by this Act, *The Labour Relations Act* applies to the parties and to the employees of the employers in the bargaining units defined in the collective agreements mentioned in subsection 1.

Appointment of board of arbitration **3.**—(1) Within five days after the day on which this Act comes into force, the employers collectively shall appoint to a board of arbitration a member who has indicated his willingness to act.

Idem (2) Within five days after the day on which this Act comes into force, the unions collectively shall appoint to a board of arbitration a member who has indicated his willingness to act.

Failure of party to appoint third member (3) Where the employers or the unions fail to appoint a member of the board of arbitration within the period mentioned in subsection 1 or 2, the Minister shall appoint such member.

Third member (4) Within five days after the day on which the second of the members is appointed, the two members appointed by or on behalf of the parties shall appoint a third member who has indicated his willingness to act, and such third member shall be the chairman.

Failure of members to appoint third member (5) Where the two members appointed by or on behalf of the parties fail within five days after the appointment of the second of them to agree upon the third member, the Minister shall, upon notice in writing of such failure given to him by either of them or by the employers or the unions, appoint a third member, and such third member shall be the chairman.

Notice of appointment (6) As soon as the employers or the unions appoint a member to the board of arbitration, they shall notify the other of them and the Minister of the name and address of the member appointed.

Vacancies (7) If a person ceases to be a member of the board of arbitration by reason of his resignation, death or otherwise before it has completed its work, the Minister shall appoint a member in his place after consulting the employers or unions who appointed him or on whose behalf he was appointed.

(8) If, in the opinion of the Minister, a member of the board of arbitration has failed to enter on or to carry on his duties so as to enable it to render a decision within a reasonable time after its establishment, the Minister may appoint a member in his place after consulting the employers or unions who appointed him or on whose behalf he was appointed. Replacement of member

(9) The board of arbitration shall determine its own procedure, but shall give full opportunity to the employers and the unions to present their evidence and make their submissions. Procedure

(10) If the members of the board of arbitration are unable to agree among themselves on matters of procedure or as to the admissibility of evidence, the decision of the chairman governs. Idem

(11) The decision of a majority of the members of the board of arbitration is the decision of the board, but if there is no majority, the decision of the chairman is the decision of the board. Idem

(12) The chairman and the other members of the board of arbitration have, respectively, all the powers of a chairman and the members of a board of arbitration under *The Labour Relations Act*. Powers R.S.O. 1970, c. 232

4.—(1) Where, before the time limited for appointment by them of members of the board expires, both parties collectively agree to have the duties of the board under this Act performed by a single arbitrator and so notify the Minister, the powers and duties of the board shall be exercised and performed by a single arbitrator who shall be appointed by both parties collectively within five days after delivery of the notice to the Minister. Single arbitrator

(2) Where the parties fail to agree on the appointment of a single arbitrator within the period mentioned in subsection 1, the Minister shall appoint as the arbitrator a person who has indicated his willingness to act. Idem

5. The board of arbitration shall examine into and come to conclusions and make recommendations on all matters that were in dispute between the parties on the 30th day of April, 1972, and any other matters that appear to the board to be necessary to be resolved in order to conclude collective agreements between the parties. Duty of board

6.—(1) *The Arbitrations Act* does not apply to the arbitration under this Act. R.S.O. 1970, c. 25 not to apply

(2) Part I of *The Statutory Powers Procedure Act, 1971* does not apply to the proceedings before the board of arbitration established under this Act. Idem 1971, c. 47

Report of board

7.—(1) The board shall report its conclusions and recommendations to the parties and the Minister within ten days after the completion of the submissions of the parties before the board.

Extension of time

(2) The Minister may, at the request of the board, extend the time referred to in subsection 1 for a further period not exceeding five days.

Acceptance or rejection

8. The parties shall, within ten days after receiving the report of the board, notify the Minister of their acceptance or rejection of the conclusions and recommendations of the board.

Strikes terminated

9.—(1) Upon the coming into force of this Act, the strikes shall be terminated immediately by the unions and the employees mentioned in subsection 1 of section 2.

R.S.O. 1970, c. 232 not to apply

(2) Notwithstanding any provision of *The Labour Relations Act*, upon the coming into force of this Act,

employees to return to work

(a) the employees mentioned in subsection 1 of section 2 shall return to work, and shall not go on strike;

strikes and lock-outs prohibited

(b) the employers shall not cause a lock-out;

terms of employment not to be altered

(c) the employers shall not, except with the consent of the unions, alter the rates of wages, or any other term or condition of employment, or any right, privilege or duty of the employers, the unions or the employees, that were in operation on the 30th day of April, 1972; and

idem

(d) the unions shall not, except with the consent of the employers, alter any term or condition of employment or any right, privilege or duty of the employers, the unions or the employees, that were in operation on the 30th day of April, 1972.

Application of section

(3) This section ceases to apply on the day when the notification by both parties to the Minister is completed under section 8, or the time limited therefor has expired, whichever is the earlier.

Commencement

10. This Act comes into force on the day it receives Royal Assent.

Short title

11. This Act may be cited as *The Elevator Construction Industry Labour Arbitration Act, 1973*.

An Act respecting Labour Disputes between
certain Employers and the International
Union of Elevator Constructors, Locals 50,
90 and 96

1st Reading

March 21st, 1973

2nd Reading

3rd Reading

MR. BOUNSALL

(*Private Member's Bill*)

A20N

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B 56

BILL 12

Private Member's Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Highway Traffic Act

MR. KENNEDY



EXPLANATORY NOTE

The Bill provides for the compulsory wearing of seat belts while driving or travelling in a motor vehicle other than a motorcycle.

An Act to amend The Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Highway Traffic Act*, being chapter 202 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section:

63a.—(1) Subject to subsection 3, no person, while driving or travelling upon a highway in a motor vehicle, shall occupy a seat in the motor vehicle in a seat position to which a seat belt has been fitted unless he is wearing the seat belt properly adjusted and securely fastened.

(2) No person, while travelling upon a highway in a motor vehicle, shall occupy a seat in the motor vehicle in a seat position to which no seat belt has been fitted unless,

(a) all seat positions for which seat belts are fitted are occupied; and

(b) he is seated in the rear compartment of the motor vehicle.

(3) This section does not apply to,

Exceptions

(a) a person driving or travelling upon a highway on a motorcycle;

(b) a person driving a motor vehicle in reverse;

(c) the holder of a certificate signed by a legally qualified medical practitioner certifying,

(i) that the person named in the certificate is, for the period stated in the certificate, unable for medical reasons to wear a seat belt; or

(ii) that the person named in the certificate is, because of his size, build or other physical characteristics, unable to drive or travel in a motor vehicle with safety while wearing a seat belt;

(d) a person who is engaged in work which requires him to alight from and return to a motor vehicle at frequent intervals and who, while engaged in such work, does not drive or travel in the motor vehicle at a speed exceeding twenty-five miles per hour; or

(e) a person under the age of eight years.

Commencement

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Highway Traffic Amendment Act, 1973*.

An Act to amend
The Highway Traffic Act

1st Reading

March 22nd, 1973

2nd Reading

3rd Reading

MR. KENNEDY

(*Private Member's Bill*)

CA20N

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B 56

BILL 13

Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

**An Act to amend
The Arbitrations Act**

THE HON. D. A. BALES
Attorney General



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The fixing of arbitrators fees is taken from the Schedule to the Act and will be prescribed by regulation.

BILL 13

1973

**An Act to amend
The Arbitrations Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Arbitrations Act*, being chapter 25 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following clause:
 - (ba) "prescribed" means prescribed by the regulations made under this Act.
2. Section 18 of the said Act is amended by striking out "that provided by Schedule B" in the seventh and eighth lines and inserting in lieu thereof "the maximum, prescribed therefor".
3. Subsection 1 of section 22 of the said Act is amended by striking out "mentioned in Schedule B" in the second line and by striking out "mentioned in the Schedule" in the fourth and fifth lines and inserting in lieu thereof in each instance "prescribed".
4. Section 31 of the said Act is amended by adding thereto the following subsection:
 - (2) The Lieutenant Governor in Council may make regulations prescribing the maximum and minimum fees chargeable by arbitrators under this Act.
5. Schedule B to the said Act is repealed. Sched. B,
repealed
6. This Act comes into force on the 1st day of July, 1973. Commencement
7. This Act may be cited as *The Arbitrations Amendment Act, 1973*. Short title

An Act to amend
The Arbitrations Act

1st Reading

March 22nd, 1973

2nd Reading

3rd Reading

THE HON. D. A. BALES
Attorney General

(*Government Bill*)

CA2ON

XB

-B 56

BILL 13

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Arbitrations Act

THE HON. D. A. BALES
Attorney General

TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

BILL 13

1973

**An Act to amend
The Arbitrations Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Arbitrations Act*, being chapter 25 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following clause:
 (ba) "prescribed" means prescribed by the regulations made under this Act.
2. Section 18 of the said Act is amended by striking out "that provided by Schedule B" in the seventh and eighth lines and inserting in lieu thereof "the maximum, prescribed therefor".
^{s. 18, amended}
3. Subsection 1 of section 22 of the said Act is amended by striking out "mentioned in Schedule B" in the second line and by striking out "mentioned in the Schedule" in the fourth and fifth lines and inserting in lieu thereof in each instance "prescribed".
^{s. 22 (1), amended}
4. Section 31 of the said Act is amended by adding thereto the following subsection:
 (2) The Lieutenant Governor in Council may make regulations prescribing the maximum and minimum fees chargeable by arbitrators under this Act.
^{s. 31, amended}
5. Schedule B to the said Act is repealed. ^{Sched. B, repealed}
6. This Act comes into force on the 1st day of July, 1973. ^{Commencement}
7. This Act may be cited as *The Arbitrations Amendment Act, 1973*. ^{Short title}

An Act to amend
The Arbitrations Act

1st Reading

March 22nd, 1973

2nd Reading

March 28th, 1973

3rd Reading

May 22nd, 1973

THE HON. D. A. BALES
Attorney General



CA2ON

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-B 56

BILL 14

Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

**An Act to amend
The Proceedings Against the Crown Act**

THE HON. D. A. BALES
Attorney General



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The amendment adds *The Motor Vehicle Fuel Tax Act* to the list of statutes not affected by *The Proceedings Against the Crown Act*. Provisions for trial and appeal of assessments were added to the former Act in the 1972 session.

BILL 14

1973

**An Act to amend
The Proceedings Against the Crown Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 2 of *The Proceedings Against the Crown Act*, being chapter 365 of the Revised Statutes of Ontario, 1970, is amended by inserting after "Act" where it appears the first time in the seventh line "The Motor Vehicle Fuel Tax Act".^{s.2(1), amended}
2. This Act comes into force on the day it receives Royal Assent.^{Commencement}
3. This Act may be cited as *The Proceedings Against the Crown Amendment Act, 1973*.^{Short title}

An Act to amend
The Proceedings Against
the Crown Act

1st Reading

March 22nd, 1973

2nd Reading

3rd Reading

THE HON. D. A. BALES
Attorney General

(*Government Bill*)

CA20N

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-B 56

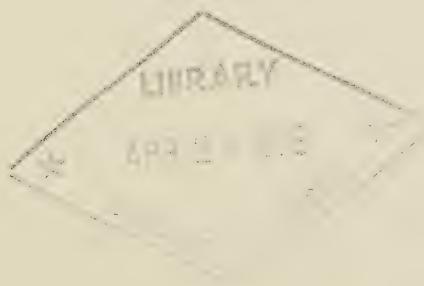
BILL 14

Government
Publications

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

**An Act to amend
The Proceedings Against the Crown Act**

THE HON. D. A. BALES
Attorney General



TORONTO
PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

BILL 14

1973

**An Act to amend
The Proceedings Against the Crown Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 2 of *The Proceedings Against the Crown Act*, being chapter 365 of the Revised Statutes of Ontario, 1970, is amended by inserting after "Act" where it appears the first time in the seventh line "The Motor Vehicle Fuel Tax Act".
2. This Act comes into force on the day it receives Royal Assent. Commencement
3. This Act may be cited as *The Proceedings Against the Crown Amendment Act, 1973*. Short title

An Act to amend
The Proceedings Against
the Crown Act

1st Reading

March 22nd, 1973

2nd Reading

March 28th, 1973

3rd Reading

March 30th, 1973

THE HON. D. A. BALES
Attorney General

CA2ON

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-B 56

BILL 15

Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

Section

**An Act to amend
The Securities Act**

THE HON. J. T. CLEMENT
Minister of Consumer and Commercial Relations



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTION 1. The new provision makes the Director's orders take effect immediately even though under review, subject to a stay being specifically granted.

SECTION 2. The section providing for appeals from orders of the Commission is rewritten to adapt the wording to recent amendments to *The Judicature Act* and Rules of the Supreme Court providing for the Divisional Court. A new provision is added providing that the Commission's orders are to take effect immediately even though appealed, subject to a stay being specifically granted.

BILL 15

1973

**An Act to amend
The Securities Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 28 of *The Securities Act*, being chapter 426 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1971, chapter 31, section 5, is further amended by adding thereto the following subsection:

(3) Notwithstanding that a person or company requests a ^{s. 28, amended} stay hearing and review thereof under subsection 1 of this section or subsection 3 of section 3, the direction, decision, order or ruling under review takes effect immediately, but the Commission may grant a stay until disposition of the hearing and review.

2. Section 29 of the said Act is repealed and the following substituted therefor:

29.—(1) Any person or company primarily affected by a ^{s. 29, re-enacted} appeal direction, decision, order or ruling of the Commission, other than a ruling under section 59, may appeal to the Supreme Court.

(2) Notwithstanding that an appeal is taken under this section, the direction, decision, order or ruling appealed from takes effect immediately, but the Commission or the Divisional Court may grant a stay until disposition of the appeal.

(3) The Director shall certify to the Registrar of the ^{Certification of documents} Supreme Court,

(a) the direction, decision, order or ruling that has been reviewed by the Commission, or the application, complaint, reference or other document, if any, by which the proceedings were commenced;

	(b) the notice of any hearing or hearing and review;
	(c) any intermediate direction, decision, order or ruling of the Commission;
	(d) the record of the hearing or the hearing and review and
	(e) the direction, decision, order or ruling of the Commission and the reasons therefor.
Minister entitled to be heard	(4) The Minister is entitled to be heard by counsel or otherwise, upon the argument of an appeal under this section.
Order of court	(5) Where an appeal is taken under this section, the court may by its order direct the Commission to make such direction, decision, order or ruling or to do such other act as the Commission is authorized and empowered to do under this Act or the regulations and as the court considers proper, having regard to the material and submissions before it and to this Act and the regulations, and the Commission shall make such direction, decision, order or ruling or do such act accordingly.
Commission may make further direction, etc.	(6) Notwithstanding an order of the court on an appeal, the Commission has power to make any further direction, decision, order or ruling upon new material or where there is a material change in the circumstances, and every such direction, decision, order or ruling is subject to this section.
Commencement	3. This Act comes into force on the day it receives Royal Assent.
Short title	4. This Act may be cited as <i>The Securities Amendment Act, 1973.</i>

An Act to amend
The Securities Act

1st Reading

March 22nd, 1973

2nd Reading

3rd Reading

THE HON. J. T. CLEMENT
Minister of Consumer
and Commercial Relations

(Government Bill)

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-B 56

BILL 15

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

**An Act to amend
The Securities Act**

THE HON. J. T. CLEMENT
Minister of Consumer and Commercial Relations



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

**An Act to amend
The Securities Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 28 of *The Securities Act*, being chapter 426 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1971, chapter 31, section 5, is further amended by adding thereto the following subsection:

(3) Notwithstanding that a person or company requests a stay hearing and review thereof under subsection 1 of this section or subsection 3 of section 3, the direction, decision, order or ruling under review takes effect immediately, but the Commission may grant a stay until disposition of the hearing and review.

2. Section 29 of the said Act is repealed and the following substituted therefor:

29.—(1) Any person or company primarily affected by a direction, decision, order or ruling of the Commission, other than a ruling under section 59, may appeal to the Supreme Court.

(2) Notwithstanding that an appeal is taken under this section, the direction, decision, order or ruling appealed from takes effect immediately, but the Commission or the Divisional Court may grant a stay until disposition of the appeal.

(3) The Director shall certify to the Registrar of the Supreme Court,

Certification
of
documents

(a) the direction, decision, order or ruling that has been reviewed by the Commission, or the application, complaint, reference or other document, if any, by which the proceedings were commenced;

- (b) the notice of any hearing or hearing and review;
- (c) any intermediate direction, decision, order or ruling of the Commission;
- (d) the record of the hearing or the hearing and review; and
- (e) the direction, decision, order or ruling of the Commission and the reasons therefor.

Minister
entitled
to be
heard

- (4) The Minister is entitled to be heard by counsel or otherwise, upon the argument of an appeal under this section.

Order of
court

- (5) Where an appeal is taken under this section, the court may by its order direct the Commission to make such direction, decision, order or ruling or to do such other act as the Commission is authorized and empowered to do under this Act or the regulations and as the court considers proper, having regard to the material and submissions before it and to this Act and the regulations, and the Commission shall make such direction, decision, order or ruling or do such act accordingly.

Commission
may make
further
direction,
etc.

- (6) Notwithstanding an order of the court on an appeal, the Commission has power to make any further direction, decision, order or ruling upon new material or where there is a material change in the circumstances, and every such direction, decision, order or ruling is subject to this section.

Commencement

- 3.** This Act comes into force on the day it receives Royal Assent.

Short title

- 4.** This Act may be cited as *The Securities Amendment Act, 1973.*

An Act to amend
The Securities Act

1st Reading

March 22nd, 1973

2nd Reading

April 3rd, 1973

3rd Reading

April 3rd, 1973

THE HON. J. T. CLEMENT
Minister of Consumer
and Commercial Relations

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BILL 16

Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

Bill No. 16
of Ontario

**An Act to amend
The Certification of Titles Act**

THE HON. J. T. CLEMENT
Minister of Consumer and Commercial Relations



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTION 1. The sections repealed provide for the rights of the Director of Titles of access to registry offices and documents registered therein. The provisions are obsolete since all are under the one administration and employed under *The Public Service Act*.

SECTION 2. A claim against the Assurance Fund is now made to the Director of Titles who makes a recommendation to the Director of Land Registration who holds a hearing. The amendment requires the Director of Titles to hold the hearing.

BILL 16

1973

**An Act to amend
The Certification of Titles Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Sections 9 and 10 of *The Certification of Titles Act*, being chapter 59<sup>ss. 9, 10,
repealed</sup> of the Revised Statutes of Ontario, 1970, are repealed.
- 2.—(1) Section 19 of the said Act, as amended by the Statutes<sup>s. 19,
amended</sup> of Ontario, 1971, chapter 50, section 14, is further amended by adding thereto the following subsection:
 - (3a) Except where he recommends the claim be paid in ^{Hearing} full, the Director of Titles shall hold a hearing, and the claimant and such other persons as the Director of Titles may specify are parties to the proceedings before him.
- (2) Subsection 4a of the said section 19, as enacted by the<sup>s. 19(4a),
repealed</sup> Statutes of Ontario, 1971, chapter 50, section 14, is repealed.
3. This Act comes into force on the day it receives Royal Assent.^{Commencement}
4. This Act may be cited as *The Certification of Titles Amendment*^{Short title} *Act, 1973.*

An Act to amend
The Certification of Titles Act

1st Reading

March 22nd, 1973

2nd Reading

3rd Reading

THE HON. J. T. CLEMENT
Minister of Consumer and
Commercial Relations

(Government Bill)

CA2ON

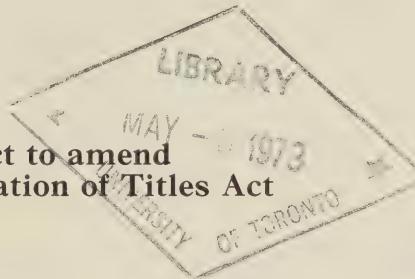
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BILL 16

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

**An Act to amend
The Certification of Titles Act**



THE HON. J. T. CLEMENT
Minister of Consumer and Commercial Relations

TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

BILL 16

1973

**An Act to amend
The Certification of Titles Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Sections 9 and 10 of *The Certification of Titles Act*, being chapter 59<sup>ss. 9, 10,
repealed</sup> of the Revised Statutes of Ontario, 1970, are repealed.
- 2.—(1) Section 19 of the said Act, as amended by the Statutes<sup>s. 19,
amended</sup> of Ontario, 1971, chapter 50, section 14, is further amended by adding thereto the following subsection:
 - (3a) Except where he recommends the claim be paid in ^{Hearing} full, the Director of Titles shall hold a hearing, and the claimant and such other persons as the Director of Titles may specify are parties to the proceedings before him.
- (2) Subsection 4a of the said section 19, as enacted by the <sup>s. 19(4a),
repealed</sup> Statutes of Ontario, 1971, chapter 50, section 14, is repealed.
3. This Act comes into force on the day it receives Royal Assent.^{Commencement}
4. This Act may be cited as *The Certification of Titles Amendment*^{Short title} *Act, 1973.*

An Act to amend
The Certification of Titles Act

1st Reading

March 22nd, 1973

2nd Reading

April 3rd, 1973

3rd Reading

April 3rd, 1973

THE HON. J. T. CLEMENT
Minister of Consumer and
Commercial Relations

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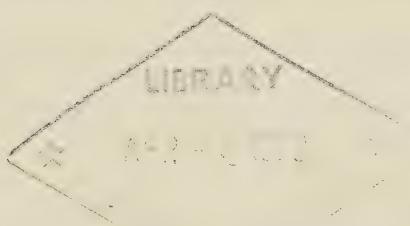
BILL 17

Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

**An Act to amend
The Motor Vehicle Accident Claims Act**

THE HON. J. T. CLEMENT
Minister of Consumer and Commercial Relations



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

The amendments substitute the Superintendent of Insurance for the Registrar of Motor Vehicles following the transfer of the administration of the Act to the Ministry of Consumer and Commercial Relations.

SECTION 2. The period within which evidence of insurance must be produced is amended to replace "within a reasonable time of such request" with "within seventy-two hours of such request".

**An Act to amend
The Motor Vehicle Accident Claims Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Motor Vehicle Accident Claims Act*, being^{s.1, amended} chapter 281 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1972, chapter 1, section 46, is further amended by adding thereto the following clauses:

(a) "Director" means the Director of the Motor Vehicle Accident Claims Fund appointed for the purposes of this Act;

(ha) "Superintendent" means the Superintendent of Insurance.

2. Subsection 3 of section 3 of the said Act is repealed and the^{s.3(3), re-enacted} following substituted therefor:

(3) Every owner of a motor vehicle who fails to produce^{Offence for failure to produce evidence} evidence under subsection 1 when requested to do so or within^{to produce evidence} seventy-two hours of such request is guilty of an offence and on summary conviction is liable to a fine of not less than \$50 and not more than \$500.

3. Section 4 of the said Act is repealed and the following substituted therefor:^{s.4, re-enacted}

4. The Superintendent shall be deemed to be an agent of the^{Superintendent deemed agent for service re uninsured vehicles} owner and of the operator of every uninsured motor vehicle for service of notice or process in an action in Ontario arising out of the use or operation in Ontario of the uninsured motor vehicle, and, where such an action is commenced,

(a) a notice or process shall be served on the Superintendent by leaving a copy thereof with or at the office of the Superintendent; and

(b) a copy of the notice or process shall be sent forthwith by the Director by registered mail to the defendant at his last address as recorded with the Ministry of Transportation and Communications.

s. 5 (2),
amended

4.—(1) Subsection 2 of section 5 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 1, section 1, is further amended by striking out “Ministry” in the amendment of 1972 and inserting in lieu thereof “Ministry of Transportation and Communications”.

s. 5 (6),
re-enacted

4.—(2) Subsection 6 of the said section 5 is repealed and the following substituted therefor:

(6) Where payment is made under subsection 3, the driver’s licence of the person to whom notice was forwarded under subsection 2 shall be forthwith suspended by the Registrar and shall not be reinstated and no further licence or renewal shall be issued until such person has,

(a) repaid in full to the Fund the amount paid out; or

(b) commenced instalment repayments in accordance with an undertaking referred to in clause b of subsection 3 or the regulations made under section 10.

s. 5 (7),
amended

5. Subsection 7 of the said section 5 is amended by inserting after “Registrar” in the fifth line “upon receiving notice of such default from the Director”.

s. 8 (2),
amended

5. Subsection 2 of section 8 of the said Act is amended by striking out “Registrar of Motor Vehicles” in the second line and inserting in lieu thereof “Director”.

6. Section 9 of the said Act is repealed and the following substituted therefor:

9. Where the Minister pays out of the Fund any amount in satisfaction of a judgment, the driver’s licence of the judgment debtor on whose behalf such payment is made shall forthwith be suspended by the Registrar and shall not be reinstated and no further licence or renewal shall be issued until the judgment debtor has,

(a) repaid in full to the Fund the amount paid out; or

Suspension
of licence

SECTION 4.—Subsection 2.—The amendment ensures that the suspension of a licence includes prohibiting the issue or renewal after its expiration.

SECTION 6. The amendment ensures that the suspension of a licence includes prohibiting the issue or renewal after its expiration.

- (b) commenced instalment repayments in accordance with the regulations made under section 10.
- 7. Subsection 3 of section 10 of the said Act is amended by inserting <sup>s. 10 (3),
amended</sup> after “Registrar” in the second line “upon receiving notice of such default from the Director”.
- 8. Section 11 of the said Act is amended by striking out “Registrar” <sup>s. 11,
amended</sup> in the sixth line and inserting in lieu thereof “Superintendent”.
- 9. Section 12 of the said Act is amended by striking out “Registrar” <sup>s. 12,
amended</sup> in the sixth line and inserting in lieu thereof “Superintendent”.
- 10. Section 13 of the said Act is amended by striking out “Registrar” <sup>s. 13,
amended</sup> in the first line and inserting in lieu thereof “Superintendent”.
- 11. Section 14 of the said Act is amended by striking out “Registrar” <sup>s. 14,
amended</sup> in the eighth line and inserting in lieu thereof “Superintendent”.
- 12. Section 15 of the said Act is amended by striking out “Registrar” <sup>s. 15,
amended</sup> where it occurs in the first line and inserting in lieu thereof in each instance “Superintendent”.
- 13. Section 16 of the said Act is amended by striking out “Registrar” <sup>s. 16,
amended</sup> in the first line, second line and fourth line and inserting in lieu thereof in each instance “Superintendent”.
- 14. Section 17 of the said Act is amended by striking out “Registrar” <sup>s. 17,
amended</sup> in the first line and inserting in lieu thereof “Superintendent”.
- 15. Section 18 of the said Act is amended by striking out “Registrar” <sup>s. 18,
amended</sup> in the first line and inserting in lieu thereof “Superintendent”.
- 16.—(1) Subsection 1 of section 19 of the said Act is amended by <sup>s. 19 (1),
amended</sup> striking out “Registrar” where it occurs in the second line and inserting in lieu thereof in each instance “Superintendent”.
- (2) Clause *a* of subsection 2 of the said section 19 is amended by <sup>s. 19 (2) (a),
amended</sup> striking out “Registrar” in the third line and in the fourth line and inserting in lieu thereof in each instance “Superintendent”.
- 17. Section 20 of the said Act is amended by striking out “Registrar” <sup>s. 20,
amended</sup> where it occurs in the first line and inserting in lieu thereof in each instance “Superintendent”.
- 18. Section 21 of the said Act is amended by striking out “Registrar” <sup>s. 21,
amended</sup> in the third line and inserting in lieu thereof “Superintendent”.

s. 22 (5),
amended

19. Subsection 5 of section 22 of the said Act is amended by striking out "Registrar" in the second line and inserting in lieu thereof "Superintendent".

Rights
vested in
Superinten-
dent of
Insurance
R.S.O. 1970,
c. 281

20. Any right under *The Motor Vehicle Accident Claims Act* of or against the Registrar of Motor Vehicles existing immediately before this Act comes into force shall be deemed to be a right of or against the Superintendent of Insurance and where the Registrar of Motor Vehicles is a party to any action or proceeding under the said Act, the Superintendent of Insurance shall be deemed to be a party in his place.

Rights
vested in
Minister of
Consumer
and
Commercial
Relations

21. Any right in any action or proceeding under *The Motor Vehicle Accident Claims Act* vested in the Minister of Transportation and Communications immediately before the 1st day of April, 1972 shall be deemed to have been vested on that date in the Minister of Consumer and Commercial Relations.

Commencement

22. This Act comes into force on the day it receives Royal Assent.

Short title

23. This Act may be cited as *The Motor Vehicle Accident Claims Amendment Act, 1973.*

An Act to amend
The Motor Vehicle Accident
Claims Act

1st Reading

March 22nd, 1973

2nd Reading

3rd Reading

THE HON. J. T. CLEMENT
Minister of Consumer and
Commercial Relations

(Government Bill)

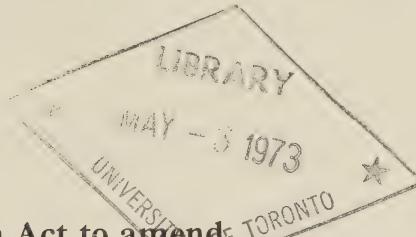
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BILL 17

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973



**An Act to amend
The Motor Vehicle Accident Claims Act**

THE HON. J. T. CLEMENT
Minister of Consumer and Commercial Relations

TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

**An Act to amend
The Motor Vehicle Accident Claims Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Motor Vehicle Accident Claims Act*, being^{s.1, amended} chapter 281 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1972, chapter 1, section 46, is further amended by adding thereto the following clauses:

(a) "Director" means the Director of the Motor Vehicle Accident Claims Fund appointed for the purposes of this Act;

(ha) "Superintendent" means the Superintendent of Insurance.

2. Subsection 3 of section 3 of the said Act is repealed and the^{s.3, re-enacted} following substituted therefor:

(3) Every owner of a motor vehicle who fails to produce^{Offence for failure to produce evidence} evidence under subsection 1 when requested to do so or within^{evidence} seventy-two hours of such request is guilty of an offence and on summary conviction is liable to a fine of not less than \$50 and not more than \$500.

3. Section 4 of the said Act is repealed and the following sub-^{s.4, re-enacted} stituted therefor:

4. The Superintendent shall be deemed to be an agent of the^{Superintendent deemed agent for service re uninsured vehicles} owner and of the operator of every uninsured motor vehicle for service of notice or process in an action in Ontario arising out of the use or operation in Ontario of the uninsured motor vehicle, and, where such an action is commenced,

(a) a notice or process shall be served on the Superintendent by leaving a copy thereof with or at the office of the Superintendent; and

(b) a copy of the notice or process shall be sent forthwith by the Director by registered mail to the defendant at his last address as recorded with the Ministry of Transportation and Communications.

4.—(1) Subsection 2 of section 5 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 1, section 1, is further amended by striking out “Ministry” in the amendment of 1972 and inserting in lieu thereof “Ministry of Transportation and Communications”.

5.—(1) Subsection 6 of the said section 5 is repealed and the following substituted therefor:

(6) Where payment is made under subsection 3, the driver's licence of the person to whom notice was forwarded under subsection 2 shall be forthwith suspended by the Registrar and shall not be reinstated and no further licence or renewal shall be issued until such person has,

(a) repaid in full to the Fund the amount paid out; or

(b) commenced instalment repayments in accordance with an undertaking referred to in clause *b* of subsection 3 or the regulations made under section 10.

(3) Subsection 7 of the said section 5 is amended by inserting after “Registrar” in the fifth line “upon receiving notice of such default from the Director”.

5. Subsection 2 of section 8 of the said Act is amended by striking out “Registrar of Motor Vehicles” in the second line and inserting in lieu thereof “Director”.

6. Section 9 of the said Act is repealed and the following substituted therefor:

9. Where the Minister pays out of the Fund any amount in satisfaction of a judgment, the driver's licence of the judgment debtor on whose behalf such payment is made shall forthwith be suspended by the Registrar and shall not be reinstated and no further licence or renewal shall be issued until the judgment debtor has,

(a) repaid in full to the Fund the amount paid out; or

(b) commenced instalment repayments in accordance with the regulations made under section 10.

7. Subsection 3 of section 10 of the said Act is amended by inserting <sup>s. 10 (3),
amended</sup> after “Registrar” in the second line “upon receiving notice of such default from the Director”.
8. Section 11 of the said Act is amended by striking out “Registrar” <sup>s. 11,
amended</sup> in the sixth line and inserting in lieu thereof “Superintendent”.
9. Section 12 of the said Act is amended by striking out “Registrar” <sup>s. 12,
amended</sup> in the sixth line and inserting in lieu thereof “Superintendent”.
10. Section 13 of the said Act is amended by striking out “Registrar” <sup>s. 13,
amended</sup> in the first line and inserting in lieu thereof “Superintendent”.
11. Section 14 of the said Act is amended by striking out “Registrar” <sup>s. 14,
amended</sup> in the eighth line and inserting in lieu thereof “Superintendent”.
12. Section 15 of the said Act is amended by striking out “Registrar” <sup>s. 15,
amended</sup> where it occurs in the first line and inserting in lieu thereof in each instance “Superintendent”.
13. Section 16 of the said Act is amended by striking out “Registrar” <sup>s. 16,
amended</sup> in the first line, second line and fourth line and inserting in lieu thereof in each instance “Superintendent”.
14. Section 17 of the said Act is amended by striking out “Registrar” <sup>s. 17,
amended</sup> in the first line and inserting in lieu thereof “Superintendent”.
15. Section 18 of the said Act is amended by striking out “Registrar” <sup>s. 18,
amended</sup> in the first line and inserting in lieu thereof “Superintendent”.
- 16.—(1) Subsection 1 of section 19 of the said Act is amended by <sup>s. 19 (1),
amended</sup> striking out “Registrar” where it occurs in the second line and inserting in lieu thereof in each instance “Superintendent”.
- (2) Clause *a* of subsection 2 of the said section 19 is amended by <sup>s. 19 (2) (a),
amended</sup> striking out “Registrar” in the third line and in the fourth line and inserting in lieu thereof in each instance “Superintendent”.
17. Section 20 of the said Act is amended by striking out “Registrar” <sup>s. 20,
amended</sup> where it occurs in the first line and inserting in lieu thereof in each instance “Superintendent”.
18. Section 21 of the said Act is amended by striking out “Registrar” <sup>s. 21,
amended</sup> in the third line and inserting in lieu thereof “Superintendent”.

s. 22 (5),
amended

19. Subsection 5 of section 22 of the said Act is amended by striking out "Registrar" in the second line and inserting in lieu thereof "Superintendent".

Rights
vested in
Superinten-
dent of
Insurance
R.S.O. 1970,
c. 281

20. Any right under *The Motor Vehicle Accident Claims Act* of or against the Registrar of Motor Vehicles existing immediately before this Act comes into force shall be deemed to be a right of or against the Superintendent of Insurance and where the Registrar of Motor Vehicles is a party to any action or proceeding under the said Act, the Superintendent of Insurance shall be deemed to be a party in his place.

Rights
vested in
Minister of
Consumer
and
Commercial
Relations

21. Any right in any action or proceeding under *The Motor Vehicle Accident Claims Act* vested in the Minister of Transportation and Communications immediately before the 1st day of April, 1972 shall be deemed to have been vested on that date in the Minister of Consumer and Commercial Relations.

Commencement

22. This Act comes into force on the day it receives Royal Assent.

Short title

23. This Act may be cited as *The Motor Vehicle Accident Claims Amendment Act, 1973*.

An Act to amend
The Motor Vehicle Accident
Claims Act

1st Reading

March 22nd, 1973

2nd Reading

April 3rd, 1973

3rd Reading

April 3rd, 1973

THE HON. J. T. CLEMENT
Minister of Consumer and
Commercial Relations

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BILL 18

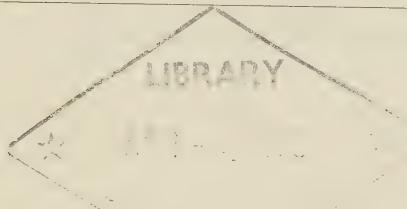
Private Member's Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

Cover
Bill

**An Act to amend The Apprenticeship and
Tradesmen's Qualification Act**

MR. DREA



TORONTO
PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The Bill excludes the trade of radio and television service technician from the operation of clause *c* of section 18 of the Act, thereby requiring compulsory certification for persons engaged in the trade of servicing radio and television sets.

BILL 18

1973

**An Act to amend
The Apprenticeship and Tradesmen's
Qualification Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *c* of section 18 of *The Apprenticeship and Tradesmen's Qualification Act*, being chapter 24 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:
 - (*c*) except for the trade of radio and television service technician, exempting any trade or class of persons in a trade from this Act and the regulations or from any provision of either of them.
2. This Act comes into force on the day it receives Royal Assent.^{Commencement}
3. This Act may be cited as *The Apprenticeship and Tradesmen's Qualification Amendment Act, 1973*.^{Short title}

An Act to amend
The Apprenticeship and
Tradesmen's Qualification Act

1st Reading

March 22nd, 1973

2nd Reading

3rd Reading

MR. DREA

(*Private Member's Bill*)

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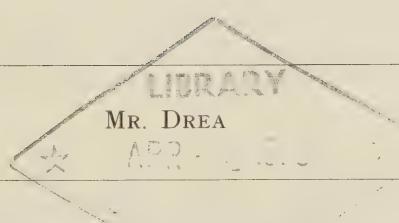
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BILL 19

Private Member's Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Consumer Protection Act



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The Bill provides for the licensing and bonding of television repair services and the licensing of repairmen.

**An Act to amend
The Consumer Protection Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Consumer Protection Act*, being chapter 82^{s.1, amended} of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1971, chapter 50, section 23 and 1972, chapter 1, section 35, is further amended by adding thereto the following clauses:

(ra) “repairman” means a person employed, appointed or authorized by a television repair service to repair television sets on the television repair service’s behalf;

(sa) “television repair service” means a person who carries on the business of repairing television sets whether for his own account or the account of any other person or who holds himself out as carrying on the business of repairing television sets.

2. The said Act is amended by adding thereto the following^{ss. 29b-29o. enacted} Part:

PART 1A

LICENSING OF TELEVISION REPAIRMEN

29b. The Registrar may exercise the powers and shall perform the duties conferred or imposed upon him by or under this Part under the supervision of the Director. Duties of Registrar

29c.—(1) No person shall,

Licence required

(a) carry on business as a television repair service unless he is licensed by the Registrar under this Act; or

	(b) act as a repairman of or on behalf of a television repair service unless he is registered as a repairman of such repair service and such repair service is registered as a television repair service under this Act.
Name and place of business	(2) A licensed television repair service shall not carry on business in a name other than the name in which it is licensed or from a place of business other than that authorized by the licence.
Representation	(3) No person shall publish or cause to be published in writing any representation that he is licensed under this Act.
Repair service to ensure repairmen licensed	29d. A television repair service shall not retain the services of a repairman who is not licensed under this Act.
Application	29e. Sections 5, 6, 7, 21, 22, 23, 24, 26, 27, 28, 29 and 29a apply <i>mutatis mutandis</i> to the licensing of television repair services and repairmen.
Notice of changes	29f.—(1) Every television repair service shall, within five days after the event, notify the Registrar in writing of, <ul style="list-style-type: none"> (a) any change in his address for service; (b) any change in the officers in the case of a corporation or of the members in the case of a partnership; (c) any commencement or termination of the employment, appointment or authorization of a repairman; (d) in the case of a corporation, any change in the ownership of its shares.
Idem	(2) Every repairman shall, within five days after the event, notify the Registrar in writing of, <ul style="list-style-type: none"> (a) any change in his address for service; and (b) any commencement or termination of his employment.
Bond required	29g.—(1) Every application for a licence as a television repair service shall be accompanied by the fee required by the regulations and a bond in the amount and form prescribed in subsection 2.
Form and amount of bond	(2) The bond shall be,

(a) the bond of a guarantee company approved under
The Guarantee Companies Securities Act;

R.S.O. 1970,
c. 196

(b) a personal bond accompanied by collateral security;
or

(c) the bond of a guarantor, other than a guarantee company, accompanied by collateral security,

and shall be in the principal amount of \$1,000.

(3) The classes of negotiable security that may be accepted as collateral security for a bond are, ^{Classes of negotiable security}

(a) bonds issued or guaranteed by Canada; or
(b) bonds issued or guaranteed by any province of Canada.

(4) The market value of the collateral security referred to ^{Idem} in subsection 3 shall be posted with the Treasurer of Ontario and maintained at an amount not less than \$1,000.

(5) The bond shall be in the form required by the regulations. ^{Form of bond}

29h. A bond may be cancelled by any person bound thereunder by giving to the Registrar and the television repair service named in the bond, at least two months notice in writing of intention to cancel and, subject to section 29i, the bond shall be deemed to be cancelled on the date stated in the notice, which date shall be not less than two months after the receipt of the notice by the Registrar. ^{Forfeiture of bond}

29i. For the purpose of every act or omission occurring, ^{Bond to continue in force}

(a) during the period of the licence; or
(b) during the period prior to cancellation of the bond under section 29h where there has been no termination of the licence,

every bond shall continue in force and the collateral security, if any, shall remain on deposit for a period of two years following the termination of the licence or the cancellation of the bond, as the case may be.

29j. Where a bond has been cancelled or the licence has been terminated, and the bond has not been forfeited, the ^{Disposition of collateral security} Treasurer of Ontario may, two years following the termination of the licence to which the bond relates or two years after the cancellation of the bond, deliver the collateral security to the person who deposited such security.

Registrar may
forfeit bond

29k. The Registrar may declare any bond mentioned in section 29g forfeited,

(a) where a licensed television repair service, including any member of a partnership, in respect of whose conduct the bond has been conditioned has been convicted of,

(i) an offence under the Act, or

(ii) an offence involving fraud or theft or conspiracy to commit an offence involving fraud or theft under the *Criminal Code* (Canada), and the conviction has become final;

(b) where proceedings by or in respect of a licensed television repair service, including any member of a partnership, in respect of whose conduct the bond has been conditioned, have been taken under the *Bankruptcy Act* (Canada), either by way of assignment, or by petition, or where proceedings have been taken by way of winding-up, and in the case of a petition, a receiving order under the *Bankruptcy Act* (Canada), or a winding-up order has been made, and the order has become final;

(c) where a judgment based on a finding of fraud has been given against a licensed television repair service, including any member of a partnership, in respect of whose conduct the bond has been conditioned and the judgment has become final; or

(d) where judgment has been given against a licensed television repair service, including any member of a partnership, in respect of whose conduct the bond has been conditioned, on any claim arising out of a sale of goods or services made in the course of his business as a licensed television repair service, and the judgment has remained unsatisfied for a period of ninety days,

and thereupon the amount thereof becomes due and owing by the person bound thereby as a debt due the Crown in right of Ontario.

Current
market value

29l. Where a bond secured by the deposit of collateral security is forfeited under section 29k, the Treasurer of Ontario may sell the collateral security at the current market price.

29m. Where the Crown in right of Ontario becomes a creditor of a person in respect of a debt to the Crown arising from the provisions of section 29k, the Registrar may take such proceedings as he sees fit under the *Bankruptcy Act* R.S.C. 1970, cc. B-4, W-11, *The Judicature Act*, *The Business Corporations Act* R.S.O. 1970, cc. 228, 53 or the *Winding-up Act* (Canada) for the appointment of an interim receiver, custodian, trustee, receiver or liquidator, as the case may be.

29n.—(1) The Treasurer of Ontario may in his discretion, Idem

- (a) assign any bond forfeited under section 29k and transfer the collateral security, if any;
- (b) pay over any money recovered under the bond;
- (c) pay over any money realized from the sale of the collateral security under section 29m,

to any person who,

- (d) is a judgment creditor of any television repair service, including any member of a partnership, in respect of whose conduct the bond has been conditioned where the judgment was based on a claim arising out of a sale of goods or services;
- (e) in respect of a claim for less than \$100 against any television repair service, including any member of a partnership, in respect of whose conduct the bond has been conditioned, arising out of a sale of goods or services, satisfies the Registrar as to the validity of such claim; or
- (f) has proven a claim in bankruptcy against any television repair service, including any member of a partnership in respect of whose conduct the bond has been conditioned, in respect of any claim arising out of a sale of goods or services,

provided that the claim or transaction occurred during the period referred to in clause *a* or *b* of section 29i.

(2) The Treasurer of Ontario may, where he deems it Idem advisable, without any order, pay the whole or any part of the proceeds referred to in clause *b* or *c* of subsection 1 to the accountant of the Supreme Court in trust for such persons as are or may become entitled to share in the proceeds of the bond under the provisions of subsection 1.

Notice

29o. Where a bond has been forfeited and the Treasurer of Ontario has not received notice in writing of any claim against the proceeds of the bond or such part as remains in his hands within two years of the forfeiture, the Treasurer of Ontario may pay the proceeds of the bond or the collateral security, or any part remaining, to any person who made a payment under the bond or who deposited the collateral security, after first deducting the amount of any expenses that have been incurred in connection with any investigation or otherwise relating to the television repair service, including any member of a partnership, in respect of whose conduct the bond was conditioned.

Commencement

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Consumer Protection Amendment Act, 1973*.

An Act to amend
The Consumer Protection Act

1st Reading

March 22nd, 1973

2nd Reading

3rd Reading

MR. DREA

(*Private Member's Bill*)

A20N
B 56

BILL 20

Private Member's Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Public Hospitals Act

MR. NIXON (BRANT)



EXPLANATORY NOTE

The Bill provides for appeal procedures for an applicant who has been refused appointment as a member of the medical staff of a public hospital for the first time.

BILL 20

1973

An Act to amend The Public Hospitals Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 48 of *The Public Hospitals Act*, being chapter 378 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1972, chapter 90, section 23, is repealed and the following substituted therefor:
 - (a) Any applicant for first appointment to or member of the medical staff or who was a party to a proceeding before the board and who is affected by,
 - (a) a decision refusing, revoking or suspending his appointment or refusing to reappoint him under clause *c* of section 43; or
 - (b) a decision cancelling, suspending or substantially altering his hospital privileges under section 41 or the by-laws,
 - (c) written reasons for the decision if a request is received by the board, person or body making the decision within seven days of the receipt by the party or member of a notice of the decision; and
 - (d) a hearing before the Appeal Board if a written request is received by the Appeal Board and the board, person or body making the decision within seven days of the receipt by the party or member of written reasons under clause *a*.

2. This Act comes into force on the day it receives Royal Assent. Commencement
3. This Act may be cited as *The Public Hospitals Amendment Act*, Short title 1973.

An Act to amend
The Public Hospitals Act

1st Reading

March 22nd, 1973

2nd Reading

3rd Reading

MR. NIXON (BRANT)

(Private Member's Bill)

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B 56

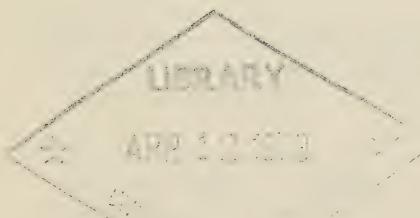
BILL 21

Private Member's Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act respecting Ethics of Elected Representatives

MR. SHULMAN



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The Bill provides a code of ethics covering the use of influence and performance of services for gain and applies to members of the Legislative Assembly and members of municipal councils and school boards.

BILL 21

1973

**An Act respecting
Ethics of Elected Representatives**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act “elected representative” means a member of <sup>Interpre-
tation</sup> the Legislative Assembly, a member of a municipal council or a member of a school board.

2. No elected representative shall, Ethics

- (a) ask, receive or agree to receive any form of compensation, from a source other than public funds, for performing his duties as a public official or for services in connection with any judicial or administrative proceeding or activity wherein his official position might reasonably be expected to give him unusual influence;
- (b) ask, receive or agree to receive anything of value upon any understanding that his vote, opinion, judgment or action will be influenced thereby;
- (c) receive any gift having a value of \$25 or more under circumstances in which it could reasonably be inferred that the gift was made to influence him in the performance of his official duties; or
- (d) use his official position to secure privileges or exemptions for himself or others, or have any interest, financial or otherwise, direct or indirect, or engage in any business transaction or professional activity or incur any obligation of any nature that is in substantial conflict with the proper discharge of his duties in the public interest.

3. Each elected representative shall, on or before the 31st day of January in each year, file with,

Report of
financial
interest in
regulated
activities

- (a) in the case of a member of the Legislative Assembly, the Clerk of the Assembly;
- (b) in the case of a member of a municipal council, the clerk of the municipality; or
- (c) in the case of a member of a school board, the secretary of the board,

a written report in respect of the preceding calendar year, or part thereof in which he was an elected representative, of each financial interest, direct or indirect, of a value in excess of \$500 of himself, his spouse and his dependants in any activity that is regulated under the jurisdiction of the body on which he serves as an elected representative or any agency thereof.

Commencement **4.** This Act comes into force on the day it receives Royal Assent.

Short title **5.** This Act may be cited as *The Elected Representatives' Ethics Act, 1973*.

An Act respecting
Ethics of Elected Representatives

1st Reading

March 23rd, 1973

2nd Reading

3rd Reading

MR. SHULMAN

(*Private Member's Bill*)

CAZON
XB

-B 56

BILL 22

Private Member's Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

**An Act respecting
Businesses Controlled by Organized Crime**

MR. SHULMAN



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The Bill provides a means of exposing businesses and corporations which are involved with organized crime.

BILL 22

1973

**An Act respecting
Businesses Controlled by Organized Crime**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this Act, “organized crime” means any combination or conspiracy to engage in any offence under section 185, 186, 187, 189, subsection 1 of section 193, clause *c* of subsection 2 of section 193, section 195, 305, 331, 407, 408, 409, 410, 411, 413, 416, 417 or 418 of the *Criminal Code* (Canada) R.S.C. 1970, c. C-34, N-1 or section 4, 5 or 6 of the *Narcotic Control Act* (Canada) as a significant source of income or livelihood.

(2) Any reference in this Act to the *Criminal Code* (Canada) or the *Narcotic Control Act* (Canada), or any provisions thereof shall be deemed to be a reference to the *Criminal Code* or the *Narcotic Control Act* (Canada), or the provisions thereof as amended or re-enacted from time to time.

2. The Attorney General may institute civil proceedings in the Supreme Court to,

- (a) cancel the letters patent of a corporation incorporated under *The Corporations Act*;
- (b) declare the corporate existence of a corporation under *The Corporations Act*, incorporated otherwise than by letters patent, to be terminated;
- (c) cancel any supplementary letters patent issued to a corporation under *The Corporations Act*;
- (d) cancel any licence issued to an extra-provincial corporation under Part IX or a predecessor thereof of *The Corporations Act*;
- (e) dissolve a corporation incorporated under *The Business Corporations Act*; or

(f) enjoin the operation of any sole proprietorship or partnership registered under *The Partnerships Registration Act*;

as the case may be, where,

(g) any director or officer of a corporation incorporated under *The Corporations Act* or *The Business Corporations Act*, with the knowledge of the president and a majority of the board of directors or under circumstances in which the president and a majority of the board of directors ought to have had knowledge, is engaged in organized crime or is connected directly or indirectly with an organization or criminal society engaged in organized crime;

(h) any director, officer, employee, agent or stockholder of a corporation incorporated under *The Corporations Act* or *The Business Corporations Act*, with the knowledge of the president and a majority of the board of directors or under circumstances in which the president and a majority of the board of directors ought to have had knowledge, acts for, through or on behalf of the corporation in a persistent course of organized crime with the intent to compel or induce other persons or corporations to carry on business with the corporation or to engage in organized crime; or

(i) any partner in a partnership or the owner of a sole proprietorship registered under *The Partnerships Registration Act* or any employee or agent of such partnership or sole proprietorship engages in a persistent course of organized crime with the intent to compel or induce other persons or corporations to carry on business with the partnership or sole proprietorship or to engage in organized crime.

3. This Act comes into force on the day it receives Royal Assent.

4. This Act may be cited as *The Businesses Controlled by Organized Crime Act, 1973*.

An Act respecting
Businesses Controlled by Organized Crime

1st Reading

March 23rd, 1973

2nd Reading

3rd Reading

MR. SHULMAN

(*Private Member's Bill*)

CA20N

Highway Traffic Act

XB

-B 56

BILL 23

Government
Private Member's Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Highway Traffic Act

MR. SHULMAN



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The Bill provides for a system of registering motor vehicles based on the amount of carbon monoxide and hydrocarbons which the vehicle emits.

An Act to amend The Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 6 of *The Highway Traffic Act*,<sup>s. 6(1),
re-enacted</sup> being chapter 202 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

(1) The owner of every motor vehicle shall register it with the Ministry before driving or operating it or causing it to be driven or operated upon a highway and shall pay to the Ministry a fee, based on the level of carbon monoxide and hydrocarbon emission of the motor vehicle, for the registration of such motor vehicle and for the number plates therefor.

(1a) The owner of every trailer or conversion unit shall register it with the Ministry before causing it to be operated on a highway and shall pay to the Ministry a fee for the registration of such trailer or conversion unit and for the number plates therefor.

(2) Subsection 7 of the said section 6 is repealed and the following substituted therefor:

(7) The Lieutenant Governor in Council may make regulations regarding,

(a) the renewal and transfer of such permits;

(b) the payment of fees therefor;

(c) the amount of such fees based on a sliding scale varying with the emission of carbon monoxide and hydrocarbons from the motor vehicle;

(d) the time of payment of such fees; and

(e) the measuring of carbon monoxide and hydrocarbon emissions from motor vehicles.

Commencement

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Highway Traffic Amendment Act, 1973.*

An Act to amend
The Highway Traffic Act

1st Reading

March 23rd, 1973

2nd Reading

3rd Reading

MR. SHULMAN

(*Private Member's Bill*)

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Government
BILL 24

Private Member's Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Dentistry Act

MR. SHULMAN



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The Bill repeals that section of the Act which puts a time limit on commencing an action under the Act.

BILL 24**1973****An Act to amend The Dentistry Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 28 of *The Dentistry Act*, being chapter 108 of the ^{s. 28,} ~~repealed~~ Revised Statutes of Ontario, 1970, is repealed.
2. This Act comes into force on the day it receives Royal Assent. ^{Commencement}
3. This Act may be cited as *The Dentistry Amendment Act, 1973.* ^{Short title}

An Act to amend
The Dentistry Act

1st Reading

March 23rd, 1973

2nd Reading

3rd Reading

MR. SHULMAN

(*Private Member's Bill*)

CAZON

XB

-B 56

BILL 25

Private Member's Bill

Government
Publication

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

The Occupational Safety Act, 1973

MR. SHULMAN



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The Bill replaces a series of Acts dealing with safety matters and brings the whole field of occupational safety under one statute.

The Ontario Safety Advisory Board replaces the present Labour Safety Council of Ontario, and is given expanded powers.

BILL 25**1973****The Occupational Safety Act, 1973**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,Interpre-
tation

- (a) "Board" means the Ontario Safety Advisory Board;
- (b) "Minister" means the Minister of Labour;
- (c) "Ministry" means the Ministry of Labour.

2. This Act applies to every employee, employer and owner^{Application}
and to every place of employment.**3. There shall be appointed such persons as are necessary**^{Appointment}
to administer the provisions of this Act and the regulations.**4. There shall be a board known as the "Ontario Safety**<sup>Establish-
ment of
Advisory Board</sup>
Advisory Board" consisting of not fewer than three members,^{board}
one of whom shall be the chairman.**5. The Board shall,**Duties of
Board

- (a) advise the Minister on all matters pertaining to the administration of this Act;
- (b) examine the effectiveness of the legislation and recommend additions, deletions and amendments;
- (c) conduct public hearings and consider all views respecting proposed or existing safety standards; and
- (d) grant permission for an employer or employee to deviate from the standards in special circumstances under such conditions as the Board considers to provide a reasonable standard of safety under such circumstances.

Liability	6. —(1) Neither the members of the Board, any of its staff nor any officer of the Ministry is personally liable for anything done by it or by him under the authority of this Act.
Appointments	(2) The Minister may appoint such persons and committees as he considers necessary to assist the Board in carrying out its duties.
Appeal	(3) A person who believes a decision of the Board to be unjust may appeal in writing to the Minister within fifteen days of the date that the decision was announced, setting out his reasons for his belief, and, if the Minister considers the reasons to so warrant, he may direct the Board to hold additional hearings and review its decision in the light of the additional evidence presented.
Duties of employer	<p>7. Every person operating or carrying on a place of employment shall,</p> <ul style="list-style-type: none"> (a) do so in a manner that will not endanger the safety or health of any person employed thereon or in connection therewith; (b) comply with this Act and the regulations; (c) adopt and carry out such procedures and techniques as will prevent or reduce the risk of injury to employees and other persons having access to the place of employment; and (d) ensure that the equipment, materials and safeguards prescribed by the regulations are provided and available.
Acts endangering safety prohibited	<p>8. No person shall,</p> <ul style="list-style-type: none"> (a) endanger his safety or that of another person; (b) move, alter or destroy any safeguards, equipment or device furnished for protection, without the permission of the employer; or (c) use or operate any equipment, machine, device or thing in an unsafe manner.
When machine, etc., not to be used	<p>9. No person who has reasonable cause to believe that any machine, vehicle, tool, equipment, device or thing, or any part thereof, is unsafe or in contravention of this Act, or the regulations, shall use or operate or cause or permit it to be used or operated.</p>

10. Non-compliance with a standard prescribed by the Non-compliance regulations shall be deemed to endanger the safety of persons with regulations in the place of employment except where alternative safe-guards have been provided which the Board deems to be adequate for the purposes intended.

11. Where a person is killed or is critically injured, the Death or critical injury employer shall immediately notify an officer of the Ministry by telephone, telegraph or in person of the occurrence and shall send him a written report of the occurrence.

12. An officer who receives a notice under section 11 shall Notification of accident immediately upon receipt thereof, notify the Executive Director of Safety Services and forthwith investigate the circumstances of the occurrence.

13. Where a person is killed or is critically injured, no Interference with wreckage, etc. person shall, except for the purposes of,

(a) saving life or relieving suffering; or

(b) maintaining an essential public utility service or a public transportation system,

interfere with, disturb, destroy, alter or carry away any wreckage, article or thing at the scene of, or connected with the occurrence until permission so to do has been given by an officer.

14. Section 13 does not apply where the occurrence was ^{Idem} investigated by a constable or other police officer and the constable or other police officer is satisfied that such action will not be detrimental to further investigation by an officer of the Ministry.

15. Subject to section 16, every person who contravenes ^{Offence} any provision of this Act is guilty of an offence under this Act and on summary conviction is liable to a fine of not more than \$1,000 or imprisonment for a term of not more than twelve months or to both.

16. Where a corporation is convicted of an offence under ^{Penalty} section 15, the maximum penalty that may be imposed is \$5,000.

17. The laying of a charge or a conviction under this Act ^{Decision of Workmen's Compensation Board not affected} shall in no way affect a decision of the Workmen's Compensation Board respecting the levy to be paid by the employer under *The Workmen's Compensation Act.*

R.S.O. 1970,
c. 505

Time limit
for
prosecution

18. No prosecution under this Act shall be instituted more than one year after the last act or default upon which the prosecution is based occurred.

Liability

19. Where there is an act or default that constitutes an offence under this Act or the regulations and the act or default has in fact been committed or made by a person other than the employer or owner, such person is liable to the same penalty or punishment as if he were the employer or owner.

Information

20. It is sufficient in an information for an offence under this Act or the regulations to name the employer or owner by stating the ostensible employer or owner, or the firm by which the employer or owner is usually known.

Regulations

21. The Lieutenant Governor in Council may make regulations,

- (a) prescribing the duties, qualifications and procedures of the Board and its staff;
- (b) prescribing the duties and qualifications of officers of the Ministry;
- (c) prescribing safeguards and inspection procedures for,
 - (i) elevating devices,
 - (ii) boilers and pressure vessels,
 - (iii) midway rides,
 - (iv) motor vehicle racing,
 - (v) any matter, device or thing to be used in a place of employment,
 - (vi) places of employment;
- (d) prescribing codes which are considered to fulfil the intent of this Act and the regulations for the safety of any technical device to be used in a place of employment;
- (e) exempting any person or any class of persons from the application of the regulations, or of any of the provisions thereof;
- (f) prescribing forms and providing for their use, including the conditions under which they may be issued, suspended or cancelled;

- (g) providing for the submission of drawings and specifications of technical devices and structures covered by the regulations;
- (h) prescribing physical requirements and qualifications of persons who may be employed in a particular occupation;
- (i) prescribing the conditions under which a child may be employed or present in a place of employment;
- (j) prescribing the conditions under which the safety of persons is deemed to be endangered for the purposes of this Act;
- (k) prescribing the reports to be submitted to the Board or the Ministry or the Workmen's Compensation Board or other agency;
- (l) prohibiting employment or modifying or limiting the hours of employment of any person in connection with a place of employment;
- (m) prescribing the qualifications of persons required to perform specific tasks;
- (n) regulating or prohibiting the use of any machine, device or thing;
- (o) respecting the procedure for appealing from an officer's direction or for an exemption from a provision of the regulations.

22. The following are repealed:

Repeals

1. *The Boilers and Pressure Vessels Act*, being chapter 47 of the Revised Statutes of Ontario, 1970.
2. *The Boilers and Pressure Vessels Amendment Act*, 1972, being chapter 31.
3. Section 28 of *The Government Reorganization Act*, 1972, being chapter 1.
4. *The Construction Hoists Act*, being chapter 80 of the Revised Statutes of Ontario, 1970.
5. Section 10 of *The Ministry of Labour Act*, being chapter 117 of the Revised Statutes of Ontario, 1970.

6. Subsection 1 of section 11 of *The Ministry of Labour Act*, being chapter 117 of the Revised Statutes of Ontario, 1970.
7. *The Elevators and Lifts Act*, being chapter 143 of the Revised Statutes of Ontario, 1970.
8. Section 39 of *The Government Reorganization Act, 1972*, being chapter 1.
9. *The Industrial Safety Act, 1971*, being chapter 43.
10. *The Industrial Safety Amendment Act, 1972*, being chapter 122.
11. *The Trench Excavators' Protection Act*, being chapter 469 of the Revised Statutes of Ontario, 1970.
12. Section 83 of *The Civil Rights Statute Law Amendment Act, 1971*, being chapter 50.

Commencement

- 23.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

- 24.** This Act may be cited as *The Occupational Safety Act, 1973*.

The Occupational Safety Act, 1973

1st Reading

March 23rd, 1973

2nd Reading

3rd Reading

MR. SHULMAN

(*Private Member's Bill*)

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Assembly
BILL 26

Legislature
Private Member's Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Child Welfare Act

MR. SHULMAN



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTION 1.—Subsection 1. The section now allows an applicant to adopt where the applicant is unmarried or where the applicant is a husband and wife acting together and one or both of them is under eighteen years of age. The section also prohibits an applicant from adopting his spouse.

Subsection 2. The amendment removes the necessity of consent of the applicant's spouse in certain circumstances.

BILL 26

1973

An Act to amend The Child Welfare Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 72 of *The Child Welfare Act*, being <sup>s. 72(1),
re-enacted</sup> chapter 64 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1971, chapter 98, section 4, is repealed and the following substituted therefor:

(1) The court shall not make an adoption order, Where order
not to be
made

- (a) where the applicant is under eighteen years of age;
- (b) where the applicant is a male and the child sought to be adopted is a female under eighteen years of age; or
- (c) where the applicant is the spouse of the child sought to be adopted,

unless the court is satisfied that there are special circumstances that justify, as an exceptional measure, the making of the order.

(2) Subsection 3 of the said section 72 is repealed and the <sup>s. 72(3),
re-enacted</sup> following substituted therefor:

(3) Except where the other spouse fails to consent to the <sup>Consent of
adopting
spouse</sup> adoption by reason of,

- (a) prolonged unexplained absence;
- (b) unavailability;
- (c) incapacity; or
- (d) circumstances constituting an unreasonable withholding of consent,

an adoption order shall not be made upon the application of a husband or wife without the written consent of the spouse.

s. 73 (5),
re-enacted

2. Subsection 5 of section 73 of the said Act is repealed and the following substituted therefor:

Where
consent
dispensed
with

(5) The court may, upon application by the applicant for the adoption, dispense with a consent required by this section where,

- (a) the child has been abandoned by the parent or parents, as the case may be;
- (b) by reason of repeated and continued neglect by the parent or parents, as the case may be, the child is without proper parental care, control or subsistence necessary for his physical and mental health;
- (c) by reason of the physical or mental incapacity of the parent or parents, as the case may be, the child is without proper care, control or subsistence necessary for his physical and mental health; or
- (d) the parent, parents, guardian or person who has lawful custody or control or who is liable to contribute to the support of the child, as the case may be, by reason of prolonged unexplained absence, unavailability or other circumstances unreasonably withholds consent,

and the court is satisfied that it is in the best interests of the child that the requirement be dispensed with.

s. 87a,
enacted

3. The said Act is amended by adding thereto the following section:

Report re
expenses

87a.—(1) Subject to subsection 2, an applicant shall, before an application for the adoption of a child under eighteen years of age is heard, file with the court, a report showing any expenses incurred in connection with,

- (a) the birth of the child;
- (b) placement of the child with the applicant;
- (c) medical or hospital care received by the mother or by the child during the mother's prenatal care and confinement;
- (d) services relating to the adoption or to the placement of the child for adoption which were received by or on behalf of,

SECTION 2. The amendment clarifies the situations in which the court may dispense with consent.

SECTION 3. The section requires a report by the adopting parent of all expenditures made on his behalf in connection with the adoption.

- (i) the applicant,
- (ii) the mother of the child,
- (iii) the father of the child, or
- (iv) any person other than those persons listed in subclauses i, ii and iii.

(2) Subsection 1 does not apply to an adoption by an ^{Application of subs. 1} applicant whose spouse is the mother or father of the child.

4. This Act comes into force on the day it receives Royal Assent. ^{Commencement}
5. This Act may be cited as *The Child Welfare Amendment Act*, ^{Short title} 1973.

An Act to amend
The Child Welfare Act

1st Reading

March 23rd, 1973

2nd Reading

3rd Reading

MR. SHULMAN

(*Private Member's Bill*)

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BILL 27

Private Member's Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Consumer Protection Act

MR. SHULMAN



TORONTO
PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The Bill provides for disclosure to the consumer of the unit price and the total price of consumer products.

BILL 27

1973

An Act to amend The Consumer Protection Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Consumer Protection Act*, being chapter 82 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following Part:

PART IIIA

CONSUMER INFORMATION

43a. In this Part,

Interpre-
tation

- (a) “consumer” means a person who purchases goods for personal, family or household purposes, but does not include a person who purchases for the purpose of carrying on business;
- (b) “consumer product” means any product intended for or customarily used for personal, family or household purposes;
- (c) “unit price” means the retail price of a consumer product expressed in terms of the retail price of such product per such unit of weight, measure or count as the regulations prescribe.

43b. Every person who sells or offers for sale a consumer product at retail, shall disclose the unit price and the total price of the consumer product to the consumer in the manner prescribed in section 43c.

43c. The unit price and the total price of a consumer product shall be disclosed to the consumer.

Method of disclosure

- (a) where the consumer product is so located that,
 - (i) it is not conspicuously visible to the consumer, or
 - (ii) the price information if displayed in accordance with clause *b* would not be conspicuously visible to the consumer, by a sign or list bearing the price information, conspicuously displayed near the point of procurement of the consumer product;
- (b) where the consumer product is so located that it is conspicuously visible to the consumer, by the attachment of a stamp, tag or label to,
 - (i) the consumer product, and
 - (ii) the shelf, wall or stand upon which the consumer product is displayed; or
- (c) where the methods set out in clauses *a* and *b* would not be effective in conveying the price information to the consumer, by those methods prescribed by the regulations.

Advertising

43d. No person shall advertise the price of a consumer product unless the advertisement states both the unit price and total price of the consumer product.

Regulations

43e. The Lieutenant Governor in Council may make regulations,

- (a) designating the unit of weight, measure or count upon which the unit price of a consumer product shall be expressed and whether it is to be expressed to the nearest whole cent or fraction thereof;
- (b) prescribing methods for disclosing the unit price and the total price of a consumer product;
- (c) exempting any class of persons from any or all requirements of the Act.

Commencement

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Consumer Protection Amendment Act, 1973*.

An Act to amend
The Consumer Protection Act

1st Reading

March 23rd, 1973

2nd Reading

3rd Reading

MR. SHULMAN

(*Private Member's Bill*)

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~~2~~ BILL 28

Private Member's Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to control Promotional Games

MR. SHULMAN



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The purpose of the Bill is to control the operation of promotional games intended to attract customers or to advertise products sold at retail.

BILL 28

1973

An Act to control Promotional Games

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "operator" means a person that organizes and manages the overall conduct of a promotional game;
- (b) "promotional game" means a game, contest or scheme that offers the opportunity to receive gifts or prizes, determined by chance, of a total value in excess of \$1,000 and that is organized or operated for advertising purposes;
- (c) "Registrar" means the Registrar of the Consumer Protection Bureau;
- (d) "regulations" means the regulations made under this Act;
- (e) "Tribunal" means The Commercial Registration Appeal Tribunal established under *The Ministry of Consumer and Commercial Relations Act*.
R.S.O. 1970.
c. 113

2. No person shall offer to the public the opportunity to participate in a promotional game unless a statement of the plan of the promotional game is filed with the Registrar and a certificate of acceptance thereof is issued by the Registrar.

3. A statement as to a promotional game filed with the Registrar shall set out,

- (a) the minimum number of gifts or prizes that will be offered in the promotional game;
- (b) the minimum number of participating objects to be made available;

- (c) the proportionate opportunity of receiving gifts or prizes;
- (d) the minimum value of the gifts or prizes to be made available;
- (e) the period of time and the geographic area to be covered by the promotional game;
- (f) the rules of the promotional game; and
- (g) the name and address of the operator.

Certificate of acceptance

4. The Registrar shall issue a certificate except where,

- (a) having regard to the financial position of the operator, he cannot reasonably be expected to be financially responsible in the conduct of his business;
- (b) the past conduct of the operator or, where it is a corporation, of its officers or directors affords reasonable grounds for belief that the promotional game will not be conducted with integrity and honesty; or
- (c) the statement contains any misleading facts or omissions.

Amendment of statement

5. An operator shall not depart from the plan of the promotional game set out in the statement filed with the Registrar but may amend the plan by filing with the Registrar a supplementary statement and receiving a supplementary certificate of acceptance issued by the Registrar.

Suspension or withdrawal

6. Subject to section 7, the Registrar may suspend or withdraw a certificate for any reason that would disentitle the operator to a certificate under section 4 if he were an applicant.

Refusal to issue

7.—(1) Where the Registrar proposes to,

- (a) refuse to grant;
- (b) suspend; or
- (c) withdraw,

a certificate of acceptance, he shall serve notice of his proposal, together with written reasons therefor, on the operator.

(2) A notice under subsection 1 shall inform the operator that he is entitled to a hearing by the Tribunal if he mails or delivers, within fifteen days after the notice under subsection 1 is served on him, notice in writing requiring a hearing to the Registrar and the Tribunal and he may so require such a hearing.

(3) Where an operator does not require a hearing by the Tribunal as set out in subsection 2, the Registrar may carry out the proposal stated in his notice under subsection 1.

(4) Where an operator requires a hearing by the Tribunal in accordance with subsection 2, the Tribunal shall appoint a time and place for and hold the hearing and, on application at the hearing, may by order direct the Registrar to carry out or refrain from carrying out his proposal.

(5) The Registrar, the operator and such other persons as the Tribunal may specify are parties to the hearing.

(6) Notwithstanding subsection 1, the Registrar may cancel a certificate of acceptance upon the written request of the operator surrendering the certificate.

(7) Notwithstanding that an operator appeals from an order of the Tribunal under section 9b of *The Ministry of Consumer and Commercial Relations Act*, the order takes effect immediately but the Tribunal may grant a stay until disposition of the appeal.

8.—(1) Every operator shall deliver to the owner or manager of each retail establishment that takes part in the operation of the promotional game a copy of the statement referred to in section 3, the supplementary statements, if any, referred to in section 5 and statements setting out the names and addresses of the persons who receive the gifts or prizes offered in the promotional game.

(2) The owner or manager of a retail establishment referred to in subsection 1 shall post or cause to be posted the statements mentioned in subsection 1 in a place in the retail establishment where they are likely to be seen by customers of the establishment.

9.—(1) Every operator shall maintain for six months after the date the promotional game ends a record of,

(a) the name and address of each person who receives in the promotional game a gift or prize of the value of more than \$25;

- (b) a description of each gift or prize referred to in clause *a*; and
- (c) the date of the delivery of each gift or prize referred to in clause *a*.

Filing of record (2) Every operator shall, upon demand made by the Registrar during the six month period referred to in subsection 1, file with the Registrar a copy of the record.

Manipulation of game prohibited **10.**—(1) Except as provided in subsection 2, an operator shall not distribute the prize-winning objects in a promotional game to predetermined persons or retail establishments.

Proviso (2) Subsection 1 does not prevent the distribution of prize-winning objects of equal value to retail establishments in a uniform ratio to the number of participating objects distributed to such retail establishments.

Distribution of gifts or prizes **11.** Every operator shall distribute the gifts or prizes offered in the promotional game to the persons who qualify therefor in accordance with the rules of the promotional game.

Coercion of retailers prohibited **12.** An operator shall not require the owner or manager of any retail establishment to participate in a promotional game as a condition of the carrying on or the continuation of business dealings between the operator and such owner or manager.

False advertising **13.** Where the Registrar believes on reasonable and probable grounds that an operator is making false, misleading or deceptive statements in any literature or material in connection with a promotional game, the Registrar may order the immediate cessation of the use of the literature or material and section 7 applies *mutatis mutandis* to the order and the order is effective immediately but the Tribunal may grant a stay until the order becomes final.

Application to High Court **14.**—(1) Where it appears to the Registrar that any person does not comply with any provision of this Act, the regulations or an order or demand made under this Act, notwithstanding the imposition of any penalty in respect of such non-compliance, the Registrar may apply to a judge of the High Court for an order directing such person to comply with such provision and the judge may make such order or such other order as the judge thinks fit.

Appeal (2) An appeal lies to the Court of Appeal from an order made under subsection 1.

15.—(1) Every person who,

Offences

- (a) makes a statement in any statement, record or other document required to be filed or furnished under this Act or the regulations that, at the time and in the light of the circumstances under which it is made, is false or misleading with respect to any material fact or that omits any material fact;
- (b) fails to comply with any order, demand or other requirement under this Act; or
- (c) contravenes any provision of this Act or the regulations,

and every director or officer of a corporation who knowingly concurs in such act, failure or contravention is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000.

(2) Where a corporation is convicted of an offence under sub-^{Corporations} section 1, the maximum penalty that may be imposed upon the corporation is \$10,000 and not as provided therein.

16. The Lieutenant Governor in Council may make ^{Regulations} regulations,

- (a) exempting any class of person from this Act or the regulations or any provision thereof;
- (b) requiring any information required to be furnished or contained in any statement, demand or return to be verified by affidavit;
- (c) requiring operators or owners or managers of retail establishments to make returns and furnish information to the Registrar.

17. This Act comes into force on the day it receives ^{Commencement} Royal Assent.

18. This Act may be cited as *The Promotional Games Act*, ^{Short title} 1973.

An Act to control
Promotional Games

1st Reading

March 23rd, 1973

2nd Reading

3rd Reading

MR. SHULMAN

(*Private Member's Bill*)

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BILL 29

Private Member's Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Securities Act

MR. SHULMAN



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

In addition to the liability of an insider to compensate a person or company for direct loss suffered as a result of use of confidential information in the manner specified, the Bill makes it an offence to so use such information.

An Act to amend The Securities Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 113 of *The Securities Act*, being chapter ^{s. 113 (1),} ~~426~~ of the Revised Statutes of Ontario, 1970, is amended by adding at the end thereof "and in addition is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000", so that the subsection shall read as follows:

(1) Every insider of a corporation or associate or affiliate ^{Liability of insiders} of such insider, who, in connection with a transaction relating to the capital securities of the corporation, makes use of any specific confidential information for his own benefit or advantage that, if generally known, might reasonably be expected to affect materially the value of such securities, is liable to compensate any person or company for any direct loss suffered by such person or company as a result of such transaction, unless such information was known or ought reasonably to have been known to such person or company at the time of such transaction, and is also accountable to the corporation for any direct benefit or advantage received or receivable by such insider, associate or affiliate, as the case may be, as a result of such transaction and in addition is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000.

2. This Act comes into force on the day it receives Royal Assent. ^{Commencement}
3. This Act may be cited as *The Securities Amendment Act, 1973*. ^{Short title}

An Act to amend
The Securities Act

1st Reading

March 23rd, 1973

2nd Reading

3rd Reading

MR. SHULMAN

(Private Member's Bill)

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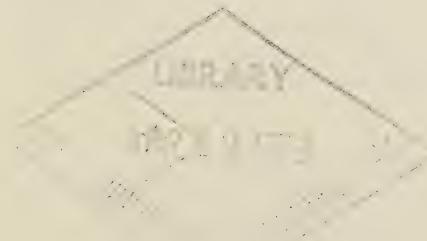
BILL 30

Private Member's Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

**An Act to regulate the Operation of Aircraft over Ontario and
to investigate the Effect and Consequences of Sonic Booms**

MR. SHULMAN



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The purpose of this Bill is:

1. To prohibit the creation of sonic booms by aircraft while flying over Ontario airspace.
2. To provide for a complete study and investigation by the Minister of Health into the effects on persons and property of sonic booms.

BILL 30**1973**

**An Act to regulate the Operation of Aircraft
over Ontario and to investigate the Effect
and Consequences of Sonic Booms**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, "Minister" means the Minister of Health. Interpretation
2. Subject to section 3, no person shall operate an aircraft Sonic booms by aircraft prohibited over Ontario in such manner as to penetrate the sound barrier and create a sonic boom.
3. Section 2 does not apply to a person operating an saving aircraft,
 - (a) in the course of his duties as a member of any branch of the armed forces of Canada; or
 - (b) while engaged in the investigation and study referred to in section 4.
- 4.—(1) The Minister shall conduct a full and complete Investigation and study investigation and study into the effect of sonic booms, for the purpose of determining what exposures, in amount and frequency, to sonic booms is or may be detrimental to the health and welfare of persons resident in Ontario or detrimental to the preservation of natural beauty and historic shrines in Ontario.
- (2) The investigation mentioned in subsection 1 shall include a study of the startle effect and the physiological and psychological problems that may result from exposure to sonic booms. What investigation to include
5. The Minister shall,
 - (a) on or before the expiration of one year from the day this Act comes into force, lay before the Assembly

Report of
Minister

an interim report of his findings under the study and investigation, together with the written comments of any persons or officials consulted; and

(b) on or before the expiration of two years from the day this Act comes into force, lay before the Assembly a final report of his findings under the study and investigation.

Offence **6.** Any person who contravenes any of the provisions of section 2 is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000.

Commencement **7.** This Act comes into force on the day it receives Royal Assent.

Short title **8.** This Act may be cited as *The Sonic Boom Investigation and Control Act, 1973.*

An Act to regulate the Operation of
Aircraft over Ontario and to investigate
the Effect and Consequences of
Sonic Booms

1st Reading

March 23rd, 1973

2nd Reading

3rd Reading

MR. SHULMAN

(*Private Member's Bill*)

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Insurance Act

MR. SHULMAN



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTION 1. On and after the 1st day of January, 1975, the sale of Automobile insurance in Ontario by any insurer other than the Government of the Province of Ontario or a board, commission or agency thereof is prohibited.

SECTION 2. Complementary to section 1.

SECTION 3. Self-explanatory.

BILL 31

1973

An Act to amend The Insurance Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Insurance Act*, being chapter 224 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section:

198a. On and after the day on which this section comes into force, no insurer, other than the Government of the Province of Ontario or a board, commission or agency thereof, shall undertake or agree or offer to undertake a contract of automobile insurance in Ontario or carry on the business of automobile insurance in Ontario.

2. Subject to section 3, Part VI of the said Act is repealed. Part VI, repealed
3. Part VI of the said Act as it was in force immediately before the day on which section 2 comes into force continues to apply to contracts of automobile insurance made before the day on which section 2 comes into force until the contract expires or is cancelled. Exception of existing contracts
4. This Act comes into force on the 1st day of January, 1975. Commencement
5. This Act may be cited as *The Insurance Amendment Act, 1973*. Short title

An Act to amend The Insurance Act

1st Reading

March 23rd, 1973

2nd Reading

3rd Reading

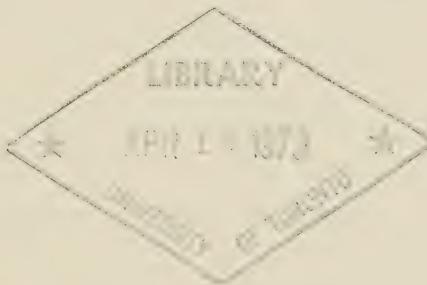
MR. SHULMAN

(Private Member's Bill)

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Securities Act

MR. SHULMAN



EXPLANATORY NOTE

The amendment requires that shareholders of public corporations be notified of material changes in the corporate affairs that affect the value of the shares.

BILL 32

1973

An Act to amend The Securities Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Securities Act*, being chapter 426 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section:

130a.—(1) Where a material change or development occurs in the affairs of a corporation, the directors shall cause a notice giving the particulars of the change to be sent to each registered shareholder as soon as is practicable but not later than the tenth day of the month immediately following the month in which the change occurs.

(2) For the purposes of subsection 1, a material change or development includes,

(a) an actual or proposed change in the control of the corporation;

(b) an actual or proposed acquisition or disposition of material assets;

(c) any proposed take-over, merger, consolidation, amalgamation or reorganization;

(d) any material discoveries, changes or developments in the corporation's resources, technology, products or contracts that would materially increase or decrease the earnings of the corporation;

(e) any proposed change in capital structure, including stock splits or stock dividends;

(f) any indicated increase or decrease of earnings of more than recent average size and any changes in dividends;

(g) any other change in the affairs of the corporation that could reasonably be expected to affect materially the value of the shares.

Short title

2. This Act may be cited as *The Securities Amendment Act, 1973.*

An Act to amend The Securities Act

1st Reading

March 23rd, 1973

2nd Reading

3rd Reading

MR. SHULMAN

(*Private Member's Bill*)

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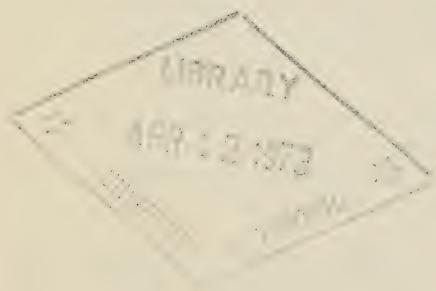
BILL 33

Private Member's Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to relieve Medical Practitioners, Registered Nurses and Others from Liability in respect of Voluntary Emergency First Aid and Medical Services

MR. SHULMAN



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The purpose of this Bill is to relieve medical practitioners, registered nurses and others from liability in respect of voluntary emergency first aid assistance or medical services rendered at or near the scene of an accident or other sudden emergency.

BILL 33

1973

An Act to relieve Medical Practitioners, Registered Nurses and Others from Liability in respect of Voluntary Emergency First Aid and Medical Services

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "medical practitioner" means a person who is registered as a medical practitioner under *The Medical Act*; R.S.O. 1970, c. 268
- (b) "registered nurse" means a person who is registered as a nurse under *The Nurses Act*. R.S.O. 1970, c. 301

2. Where, in respect of a person who is ill, injured or unconscious as the result of an accident or other sudden emergency,

Relief from
liability
for damages

- (a) a medical practitioner or registered nurse voluntarily and without expectation of compensation or reward renders emergency medical services or first aid assistance and such services or assistance are not rendered at a hospital or other place having adequate medical facilities and equipment; or
- (b) a person other than a person mentioned in clause *a* voluntarily renders emergency first aid assistance and such assistance is rendered at the immediate scene of the accident or emergency,

the medical practitioner, registered nurse or other person shall not be liable for damages for injuries to or the death of such person alleged to have been caused by an act or omission on his part in rendering the medical services or first aid assistance, unless it is established that the injuries or death were caused by gross negligence on his part.

Act does not apply to normal medical services

3. Nothing in section 2 shall be deemed to relieve a medical practitioner from liability for damages for injuries to or the death of any person caused by an act or omission on the part of the medical practitioner in respect of medical services rendered by him in the normal and ordinary course of his practice.

Commencement

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Voluntary Emergency First Aid and Medical Services Act, 1973*.

An Act to relieve Medical Practitioners,
Registered Nurses and Others from Li-
ability in respect of Voluntary Emergency
First Aid and Medical Services

1st Reading

March 23rd, 1973

2nd Reading

3rd Reading

MR. SHULMAN

(*Private Member's Bill*)

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BILL 34

Private Member's Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Insurance Act

MR. SHULMAN



TORONTO
PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The amendment prevents binding settlements or releases from being entered into by accident victims in haste or while under the stress of recent injury.

BILL 34**1973****An Act to amend The Insurance Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Insurance Act*, being chapter 224 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section:

115a. Any agreement, release, waiver or settlement entered into by an injured person within fifteen days after the injury was incurred and given or entered into in respect of any claim under a policy of automobile insurance or accident insurance is voidable by the injured person by notice in writing delivered to the insurer or any office of the insurer or its agent or adjuster within thirty days after the agreement, release, waiver or settlement is entered into.

2. This Act may be cited as *The Insurance Amendment Act, 1973*.
Short title

An Act to amend The Insurance Act

1st Reading

March 23rd, 1973

2nd Reading

3rd Reading

MR. SHULMAN

(*Private Member's Bill*)

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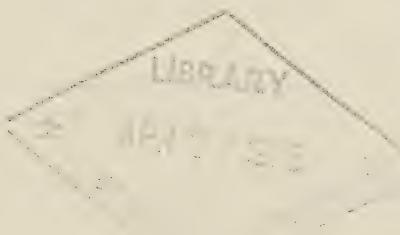
BILL 35

Private Member's Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Public Health Act

MR. SHULMAN



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The Bill requires cigarette packages to bear a warning label and requires cigarette advertisements to include the warning as well as a statement of the tar and nicotine content of the cigarettes being advertised.

BILL 35

1973

An Act to amend The Public Health Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Public Health Act*, being chapter 377 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section:

LABELLING, ETC., OF CIGARETTES

59a.—(1) No person shall package for sale, sell or offer for sale in Ontario cigarettes that do not bear the words “Warning: Cigarette Smoking Is Dangerous to Health and May Cause Death From Cancer and Other Diseases” legibly and conspicuously displayed on the outer surface of the package in which the cigarettes are contained.

(2) No person shall publish or display or cause to be published or displayed or disseminate or cause to be disseminated in any other manner any advertisement intended to induce, directly or indirectly, the purchase of any cigarettes unless there is included as part of the advertisement,

(a) the statement “Warning: Cigarette Smoking Is Dangerous to Health and May Cause Death From Cancer and Other Diseases”; and

(b) a statement setting forth the average tar and nicotine yield per cigarette of the cigarettes referred to in the advertisement.

(3) The average tar and nicotine yield mentioned in clause *b* of subsection 2 shall be determined by a method approved by the Minister.

2. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

3. This Act may be cited as *The Public Health Amendment Act*,^{Short title} 1973.

An Act to amend
The Public Health Act

1st Reading

March 23rd, 1973

2nd Reading

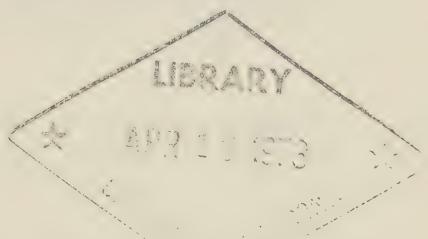
3rd Reading

MR. SHULMAN

(Private Member's Bill)

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Provincial Courts Act



MR. SHULMAN

TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The purpose of this Bill is to raise the upper age limit of persons, who are to be dealt with as juvenile delinquents by the Provincial Courts, from sixteen years of age to eighteen years of age.

BILL 36**1973****An Act to amend The Provincial Courts Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 17 of *The Provincial Courts Act*, being chapter 369 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following subsection:
 - (3) For the purposes of the *Juvenile Delinquents Act* (Canada), in Ontario "child" means any boy or girl actually or apparently under the age of eighteen years.
2. This Act comes into force on the day it receives Royal Assent.
3. This Act may be cited as *The Provincial Courts Amendment Act, 1973*.

An Act to amend
The Provincial Courts Act

1st Reading

March 23rd, 1973

2nd Reading

3rd Reading

MR. SHULMAN

(*Private Member's Bill*)

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Member

BILL 37

Private Member's Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

**An Act to amend
The Ophthalmic Dispensers Act**

MR. SHULMAN



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

Self-explanatory.

**An Act to amend
The Ophthalmic Dispensers Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Ophthalmic Dispensers Act*, being chapter 334 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section:

21a. Notwithstanding the other provisions of this Act or any other general or special Act, no person shall offer for sale or sell spectacles or eyeglasses having frames made of cellulose nitrate.

2. This Act comes into force on the day it receives Royal Assent.
3. This Act may be cited as *The Ophthalmic Dispensers Amendment Act, 1973*.

An Act to amend
The Ophthalmic Dispensers Act

1st Reading

March 23rd, 1973

2nd Reading

3rd Reading

MR. SHULMAN

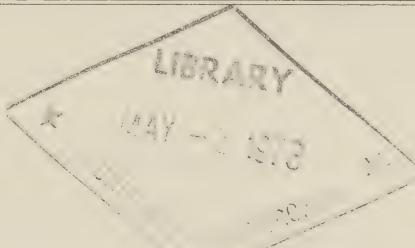
(*Private Member's Bill*)

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BILL 38

Private Member's Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973



An Act to amend The Mental Health Act

MR. SHULMAN

TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The Bill requires that where a person charged with or convicted of an offence is ordered to attend a psychiatric facility for examination, he be examined by at least one psychiatrist.

BILL 38**1973****An Act to amend The Mental Health Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 14 of *The Mental Health Act*, being ^{s. 14 (1),} chapter 269 of the Revised Statutes of Ontario, 1970, is amended by adding at the end thereof “and the person shall be examined by at least one psychiatrist”, so that the subsection shall read as follows:
 - (1) Where a judge has reason to believe that a person ^{Judge's order for} who appears before him charged with or convicted of an ^{examination} offence suffers from mental disorder, the judge may order the person to attend a psychiatric facility for examination, and the person shall be examined by at least one psychiatrist.
2. This Act comes into force on the day it receives Royal Assent. ^{Commencement}
3. This Act may be cited as *The Mental Health Amendment Act*, ^{Short title} 1973.

An Act to amend
The Mental Health Act

1st Reading

March 23rd, 1973

2nd Reading

3rd Reading

MR. SHULMAN

(*Private Member's Bill*)

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BILL 39

Private Member's Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

**An Act to amend
The Ministry of Correctional Services Act**

MR. SHULMAN



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

Self-explanatory.

BILL 39

1973

**An Act to amend
The Ministry of Correctional Services Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Ministry of Correctional Services Act*, being chapter 110^{s. 19a, enacted} of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section:
 - 19a. The Lieutenant Governor in Council may establish a ^{Conjugal visiting} program under which persons detained in ^{program} a correctional institution or any class thereof may, under such terms and conditions as are specified, receive visits from the husbands or wives of such persons for the purpose of continuing or resuming their marital relations.
2. Subsection 1 of section 33 of the said Act is amended by ^{s. 33 (1), amended} adding thereto the following clause:
 - (ca) establishing and governing the conjugal visiting program referred to in section 19a.
3. This Act comes into force on the day it receives Royal Assent.^{Commencement}
4. This Act may be cited as *The Ministry of Correctional Services Amendment Act, 1973*.^{Short title}

An Act to amend The Ministry of
Correctional Services Act

1st Reading

March 23rd, 1973

2nd Reading

3rd. Reading

MR. SHULMAN

(*Private Member's Bill*)

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BILL 40

Private Member's Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Highway Traffic Act

MR. SHULMAN



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The purpose of the Bill is to establish three classes of chauffeur's licences related to the size and complexity of operation of the motor vehicle being driven. Provision is made for chauffeurs' learners' permits, and tests designed to reveal an applicant's driving ability are to be devised and administered. Existing chauffeurs' licences will expire when the Act comes into force, and exchanges of such licences for the ones of the new classes will be in accordance with terms and conditions to be prescribed.

An Act to amend The Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 16 of *The Highway Traffic Act*, ^{s. 16(1),} being chapter 202 of the Revised Statutes of Ontario, ^{re-enacted} 1970, is repealed and the following substituted therefor:

(1) No person shall operate or drive a motor vehicle on a ^{Chauffeur's} ^{licence} highway as a chauffeur unless he is the holder of a class of chauffeur's licence entitling him to drive such vehicle, and no person shall employ anyone to drive a motor vehicle who is not the holder of a class of chauffeur's licence entitling him to drive such vehicle.

(2) Subsection 3 of the said section 16 is repealed and the ^{s. 16(3),} ^{re-enacted} following substituted therefor:

(3) Chauffeurs' licences shall be of three classes as follows: ^{Classes of} ^{licence}

1. Class 1—Entitling the holder thereof to drive as a chauffeur a private motor vehicle, taxicab, bus, truck-trailer combination, tractor-trailer combination or any truck.

2. Class 2—Entitling the holder thereof to drive as a chauffeur a private motor vehicle, taxicab, bus or any truck.

3. Class 3—Entitling the holder thereof to drive as a chauffeur a private motor vehicle, taxicab or any truck.

(3) The said section 16 is amended by adding thereto the ^{s. 16,} ^{amended} following subsections:

(4) Where the holder of any class of chauffeur's licence ^{when} ^{deemed} ^{driving} ^{without} ^a drives or operates a motor vehicle on the highway other ^{licence}

than of the type permitted by his class of licence, he shall be deemed to be driving or operating a motor vehicle without a licence.

Chauffeurs' learners' permits

(5) Notwithstanding the provisions of subsection 1, any person who desires to qualify for a chauffeur's licence of any of the classes prescribed by subsection 3, may drive or operate a motor vehicle as a chauffeur for a period of six months from the date of issuance to him of a chauffeur's learner's permit, in accordance with the terms of such permit.

Learners to drive under supervision

(6) The holder of a chauffeur's learner's permit shall not drive a motor vehicle as a chauffeur except under the immediate supervision and control of a chauffeur who holds a licence of the class permitting him to drive such vehicle, and where the holder of a chauffeur's learner's permit drives a motor vehicle in contravention of this subsection he shall be deemed to be driving or operating the motor vehicle without a licence.

Exchange of subsisting chauffeurs' licences

(7) The holder of a chauffeur's licence or an operator's licence issued prior to the day this Act comes into force may exchange such licence for a chauffeur's licence of any one of the classes prescribed by subsection 3 on such terms and conditions as the Lieutenant Governor in Council may prescribe.

Tests for licence

(8) The Minister shall devise, revise from time to time as appropriate, and administer tests for persons applying for chauffeurs' learners' permits and each of the several classes of chauffeurs' licences prescribed by subsection 3.

Evidence of driving ability

(9) The tests mentioned in subsection 8 shall be designed to furnish the Minister with evidence as to the ability of an applicant to drive safely the class or classes of motor vehicle involved.

Terms of licence

(10) Subject to satisfactory performance on the tests mentioned in subsection 8, chauffeurs' learners' permits and chauffeurs' licences of any of the classes prescribed by subsection 3 may be issued by the Minister to such persons for such time and upon such terms and subject to such regulations and restrictions as the Lieutenant Governor in Council may prescribe.

Expiry of subsisting chauffeurs' licences

(11) Notwithstanding the date of expiry appearing on any chauffeur's licence issued prior to the day this Act comes into force, all such chauffeurs' licences expire on the day this Act comes into force.

Commencement

2. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

3. This Act may be cited as *The Highway Traffic Amendment Act, 1973.*

An Act to amend
The Highway Traffic Act

1st Reading

March 23rd, 1973

2nd Reading

3rd Reading

MR. SHULMAN

(Private Member's Bill)

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BILL 41

Private Member's Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Planning Act

MR. SHULMAN



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The purpose of this Bill is to give municipalities the discretionary power to issue or withhold permits for the removal or wrecking of buildings or structures.

BILL 41

1973

An Act to amend The Planning Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Paragraph 7 of subsection 1 of section 38 of *The Planning Act*,<sup>s. 38 (1),
par. 7,</sup> being chapter 349 of the Revised Statutes of Ontario, 1970, is re-enacted repealed and the following substituted therefor:
 7. For regulating the removing or wrecking of buildings and structures and the spraying thereof during such work so as to prevent dust or rubbish arising therefrom; for the issuing of a permit for the removing, wrecking or partial removing or wrecking of buildings and structures without which no building or structure may be removed or wrecked or partially removed or wrecked; for determining, in such manner as the by-law may provide, whether or not the permit shall be issued; and for fixing and charging fees for the permit.
2. This Act comes into force on the day it receives Royal Assent.^{Commencement}
3. This Act may be cited as *The Planning Amendment Act, 1973*.^{Short title}

An Act to amend
The Planning Act

1st Reading

March 23rd, 1973

2nd Reading

3rd Reading

MR. SHULMAN

(*Private Member's Bill*)

1973

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Highway Traffic Act

MR. SHULMAN



EXPLANATORY NOTE

The purpose of the amendment is to provide for the medical testing of motor vehicle drivers suspected of being under the influence of drugs.

An Act to amend The Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Highway Traffic Act*, being chapter 202 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section:

20a. Where a peace officer on reasonable and probable grounds believes that a person is driving or has the care and control of a motor vehicle, or at any time within the preceding two hours has driven or had the care and control of a motor vehicle, while his ability to drive a motor vehicle is or was impaired by a drug, the peace officer may require the person forthwith or as soon thereafter as is practicable to submit to such medical examination as may be necessary to determine the presence or absence of a drug and such person shall be deemed to have consented to such medical examination.

2. This Act comes into force on the day it receives Royal Assent.
3. This Act may be cited as *The Highway Traffic Amendment Act*, 1973.

An Act to amend
The Highway Traffic Act

1st Reading

March 23rd, 1973

2nd Reading

3rd Reading

MR. SHULMAN

(*Private Member's Bill*)

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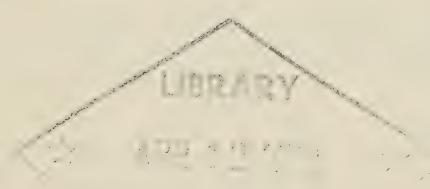
BILL 43

Private Member's Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

**An Act to establish
a Commission to evaluate Government Programs**

MR. SHULMAN



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The Bill establishes a Commission whose function is to study and evaluate provincial programs and whose findings and recommendations thereon are to be submitted to the Assembly on or before July 1st, 1974.

BILL 43

1973

**An Act to establish a Commission
to evaluate Government Programs**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. There is hereby established a commission to evaluate ^{Commission established} Government programs, herein called the Commission.

2.—(1) The Commission shall be composed as follows: Composition

1. Seven members appointed by the political interest representing the Government of the day.
2. Three members appointed by the political interest having the second largest representation in the Assembly.
3. Two members appointed by the political interest having the third largest representation in the Assembly.

(2) Any vacancy in the Commission shall not affect its ^{Vacancy} powers, but shall be filled in the same manner in which the original appointment was made.

3. The Commission shall elect a chairman and a vice-chairman ^{Chairman and vice-chairman} from among its members.

4. Seven members of the Commission constitute a quorum. ^{Quorum}

5. The Commission shall make a full and complete study ^{Functions of Commission} and evaluation of existing provincial programs and activities, both old and new, and of projected expansions of such programs and activities for the purpose of determining, in the light of the fundamental needs of Ontario and its vital objectives,

- (a) the effectiveness of each such program or activity in terms of its present and projected costs;
- (b) whether such program or activity should be continued; and
- (c) in the allocation of provincial funds, the relative priority that should be assigned to such program or activity.

Powers of Commission

6.—(1) The Commission may for the purpose of carrying out this Act hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable.

Idem

(2) The chairman or vice-chairman of the Commission may administer oaths or affirmations to witnesses appearing before it.

Idem

(3) When so authorized by the Commission, any member or agent of the Commission may take any action which the Commission is authorized to take by this section.

Idem

(4) The Commission may secure directly from any department or agency of the Province of Ontario information necessary to enable it to carry out this Act and upon the request of the chairman or vice-chairman of the Commission such department or agency shall furnish such information to the Commission.

Report of Commission

7. The Commission shall, on or before the 1st day of July, 1973, lay before the Assembly a comprehensive report of its study and evaluation, together with the recommendations, including any recommendations as to legislative enactments and administrative actions, of the changes in provincial programs and activities that in its judgment are necessary to meet the fundamental needs and vital objectives of Ontario.

Commencement

8. This Act comes into force on the day it receives Royal Assent.

Short title

9. This Act may be cited as *The Government Programs Evaluation Commission Act, 1973*.

An Act to establish a Commission
to evaluate Government Programs

1st Reading ✓

March 23rd, 1973

2nd Reading

3rd Reading

MR. SHULMAN

(*Private Member's Bill*)

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BILL 44

Private Member's Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Game and Fish Act

MR. SHULMAN



EXPLANATORY NOTE

Self-explanatory.

BILL 44

1973

An Act to amend The Game and Fish Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 57 of *The Game and Fish Act*, being chapter 186 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following subsection:

(2) Notwithstanding any other provision of this Act, no person shall, except on his own lands in defence or preservation of his property, hunt raccoon in that part of Ontario lying north of the centre line of that part of the King's Highway known as No. 7, except from the 25th day of October in any year to the 25th day of January in the year next following, both inclusive.

2. This Act comes into force on the day it receives Royal Assent.
3. This Act may be cited as *The Game and Fish Amendment Act*, 1973.

An Act to amend
The Game and Fish Act

1st Reading

March 23rd, 1973

2nd Reading

3rd Reading

MR. SHULMAN

(*Private Member's Bill*)

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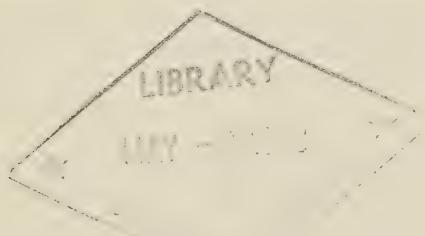
BILL 45

Private Member's Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Child Welfare Act

MR. SHULMAN



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The Bill prevents children leaving the Province for adoption unless adoption opportunities have been exhausted in Ontario and the adopting home meets Ontario standards.

BILL 45

1973

An Act to amend The Child Welfare Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Child Welfare Act*, being chapter 64 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section:

86a. A children's aid society shall not place a child for adoption and no interim custody order or adoption order shall be made where the adopting parents are ordinarily resident outside of Ontario unless,

- (a) the availability of the child for adoption has been advertised at least once each week for sixteen weeks in a newspaper having general circulation throughout Ontario and at least two months have elapsed since the sixteenth publication;
- (b) there is no prospect of adopting parents being found who are ordinarily resident in Ontario and otherwise qualified; and
- (c) the qualifications of the adopting parents have been investigated by the children's aid society personally by its own staff and meet the standards required for adoptions in Ontario.

2. Section 1 does not apply to adoption orders in respect of children placed for adoption before this Act comes into force.
3. This Act comes into force on the day it receives Royal Assent.
4. This Act may be cited as *The Child Welfare Amendment Act*, 1973.

An Act to amend
The Child Welfare Act

1st Reading

March 23rd, 1973

2nd Reading

3rd Reading

MR. SHULMAN

(Private Member's Bill)

1973

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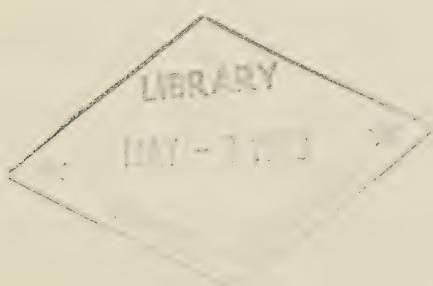
BILL 46

Government
Publications
Private Member's Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Consumer Protection Act

MR. SHULMAN



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

This Bill introduces the concept of strict liability for the manufacturing, selling or leasing of defective and/or dangerous consumer products.

An Act to amend The Consumer Protection Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Consumer Protection Act*, being chapter 82 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following Part:

PART IIIA

CONSUMER PRODUCT LIABILITY

43a. In this Part,

Interpre-
tation

- (a) “consumer” means a person who purchases goods for personal, family or household purposes, but does not include a person who purchases for the purpose of carrying on business;
- (b) “consumer product” means any product intended for or customarily used for personal, family or household purposes;
- (c) “damage” includes physical or emotional injury, property damage or economic loss to a consumer;
- (d) “defect” or “defective condition” means any aspect, characteristic, or design of a product, inherent or otherwise, which makes the product dangerous.

43b. A manufacturer, seller or lessor of any consumer product in a defective condition is liable to a consumer for damage caused by the defective condition unless the consumer,

- (a) knew or reasonably should have known of the defect;
- (b) knew or reasonably should have known the magnitude of the risk and the potential for harm presented by the defect; or

(c) has misused the product in a manner reasonably unforeseeable within the general usage of the product.

Warning

43c. In determining questions of knowledge, the effect of a warning is not to be taken into account in the case of a product reasonably anticipated to be used primarily by children.

Burden of proof

43d.—(1) A defect shown to have existed in a consumer product at the time of injury is admissible in evidence and is *prima facie* proof that the defect existed in the product when it left the control of the manufacturer.

Malfunction

(2) A malfunction of the product is admissible in evidence and is *prima facie* proof of a defect.

Seller liability

43e.—(1) Where a seller or lessor of a defective consumer product fails upon request from a consumer or his agent to reveal any information available to him as to the manufacture and distribution of the defective product, he is liable under this Act to the same extent as a manufacturer.

Idem

(2) Any seller or lessor of a consumer product, found liable under section 43b, has full rights of recovery against the manufacturer of such consumer product to the full extent that the seller or lessor has been found liable to the consumer, unless the defect is the result of some action or inaction of the seller or lessor.

Right of recovery

43f. Nothing in this Act limits in any way any rights of recovery, either in tort or in contract, at common law or by any statute of Canada or statute of Ontario.

Compliance with safety codes

43g.—(1) Compliance with any federal, provincial or municipal safety code, standard or regulation is not a defence to an action brought under this Act.

Failure to comply with safety codes

(2) Failure to comply with any federal, provincial or municipal safety code, standard or regulation is *prima facie* proof that the product is defective within the definition of clause d of section 43a.

Commencement

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Consumer Protection Amendment Act, 1973*.

An Act to amend
The Consumer Protection Act

1st Reading

March 23rd, 1973

2nd Reading

3rd Reading

MR. SHULMAN

(*Private Member's Bill*)

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BILL 47

Private Member's Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

**An Act to amend The Ontario Society for the Prevention
of Cruelty to Animals Act, 1955**

MR. SHULMAN



EXPLANATORY NOTE

The amendment delegates to the S.P.C.A. the licensing and regulating of dog kennels.

BILL 47

1973

An Act to amend The Ontario Society for the Prevention of Cruelty to Animals Act, 1955

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 7 of *The Ontario Society for the Prevention of Cruelty to Animals Act, 1955*, being chapter 58, is amended by adding thereto the following subsections:

- (1a) Without restricting the generality of subsection 1, ^{s.7, Regulation of kennels} the Society may pass by-laws,
 - (a) requiring and providing for the licensing of kennels and prescribing the terms and conditions of licences;
 - (b) prescribing the standards for the accommodation, facilities and operation of kennels including the care of dogs therein;
 - (c) requiring the payment of fees for licences and prescribing the amount thereof.

(4) In this section, "kennel" means any premises where dogs are kept for the purposes of boarding, breeding or sale for gain.

2. This Act comes into force on the day it receives Royal Assent. ^{Commencement}
3. This Act may be cited as *The Ontario Society for the Prevention of Cruelty to Animals Amendment Act, 1973*. ^{Short title}

An Act to amend The Ontario Society for
the Prevention of Cruelty to Animals Act,
1955

1st Reading

March 23rd, 1973

2nd Reading

3rd Reading

MR. SHULMAN

(*Private Member's Bill*)

CA20N

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-B56

BILL 48

Private Member's Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Cemeteries Act

MR. SHULMAN



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

Self-explanatory.

BILL 48

1973

An Act to amend The Cemeteries Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 80 of *The Cemeteries Act*, being chapter 57 of the Revised Statutes of Ontario, 1970, is amended by inserting at the commencement thereof “Subject to subsection 3”, so that the subsection shall read as follows:

(1) Subject to subsection 3, no body shall be cremated unless a certificate in the prescribed form, signed by a coroner of the municipality in which the death took place, has been deposited with the owner, which certificate shall contain the statement that the cause of death has been definitely ascertained and that there exists no reason for further inquiry or examination.

(2) The said section 80 is amended by adding thereto the following subsection:

(3) Where a coroner has investigated the circumstances of a death and has issued his warrant to bury the body, the certificate mentioned in subsection 1 need not be filed.

2. This Act comes into force on the day it receives Royal Assent.

Commencement

3. This Act may be cited as *The Cemeteries Amendment Act, 1973*.

Short title

An Act to amend
The Cemeteries Act

1st Reading

March 23rd, 1973

2nd Reading

3rd Reading

MR. SHULMAN

(Private Member's Bill)

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BILL 49

Private Member's Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Real Estate and Business Brokers Act

MR. SHULMAN



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

These amendments extend the prospectus requirements which used to apply only to subdivision lots or units outside Ontario, so that they now apply to subdivision lots or units in the province as well.

BILL 49

1973

**An Act to amend
The Real Estate and Business Brokers Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 49 of *The Real Estate and Business Brokers Act*, being chapter 401 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

(1) No person shall, in any capacity, trade in real estate, <sup>s. 49(1),
re-enacted</sup> where the real estate is a lot or unit of land in a subdivision, <sup>Sale of
subdivision</sup> land until there has been filed with the Registrar a prospectus containing the prescribed information and until there has been obtained from the Registrar a certificate of acceptance thereof.

2. Subsection 1 of section 50 of the said Act is repealed and the <sup>s. 50(1),
re-enacted</sup> following substituted therefor:

(1) No person shall, either as a vendor or as a broker or <sup>Prospectus
to be
salesman, enter into or negotiate any contract for the sale or delivered
to
lease of a lot or a unit of land in a subdivision unless, purchaser</sup> to the public

(a) a copy of the prospectus referred to in section 49 or such shorter form of the prospectus as the Registrar may have approved for distribution to the public has been delivered to the prospective purchaser or tenant, as the case may be;

(b) the prospective purchaser or tenant has in writing acknowledged receipt of a copy of the prospectus or the shorter form of the prospectus and that he has been afforded the opportunity to read it; and

(c) he is a registered broker or the contract is negotiated by a registered broker.

3. Section 58 of the said Act is repealed and the following substituted therefor:

Approval of
advertisements

58. No person shall publish or cause to be published any advertisement for the sale of a lot or unit in a subdivision until the advertisement has been approved by the Registrar.

Commencement

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Real Estate and Business Brokers Amendment Act, 1973*.

An Act to amend
The Real Estate and Business Brokers Act

1st Reading

March 23rd, 1973

2nd Reading

3rd Reading

MR. SHULMAN

(Private Member's Bill)

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BILL 50

Private Member's Bill

Printed and
Published

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

**An Act to provide for the
Control and Regulation of Snowmobiles**

MR. SHULMAN



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

Self-explanatory.

BILL 50

1973

**An Act to provide for the
Control and Regulation of Snowmobiles**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "highway" includes a common and public highway, street and bridge intended for or used by the general public;
- (b) "municipality" means a locality the inhabitants of which are incorporated;
- (c) "snowmobile" means a motorized, self-propelled vehicle intended primarily for travel on snow or ice.

2. No person shall operate a snowmobile upon a highway.

Snowmobiles
prohibited
on highways

3.—(1) A municipality may temporarily close a highway Snowmobile
derbies **within the municipality in order to permit the holding of a snowmobile race or derby.**

(2) Notwithstanding subsection 1, no part of the King's Highway or any highway that intersects or runs into the King's Highway shall be closed under subsection 1. Not to
affect King's
Highway

(3) Where a highway is temporarily closed by a municipality under subsection 1, the municipality shall give written notice of the closing to the chief of police or the chairman of the board of commissioners of police, as may be applicable, of the municipality and to the Attorney General. Notice

(4) A notice under subsection 3 shall be delivered not less than one week prior to the date of the closing of the highway and shall state the date, length of time and purpose of the closing and the name and location of the highway to be closed. Contents
of notice

Police action	(5) The chief of police or the board of commissioners of police, as the case may be, upon receipt of the notice under subsection 3 shall take all steps necessary to provide for the protection of persons and property and the regulation of traffic as a result of the temporary closing and the holding of the snowmobile race or derby.
Municipality not liable	(6) Where a municipality complies with the requirements of this section, the municipality shall not be held liable for any loss or damage arising out of the closing or any snowmobile race or derby held in connection therewith.
Age restriction	4. No person under the age of twelve years shall drive a snowmobile across a highway.
Fire-arm restricted	5. —(1) No person shall have a fire-arm on a snowmobile unless the fire-arm is unloaded and contained in a carrying-case.
Bow restricted	(2) No person shall have a bow on a snowmobile unless the bow is unstrung or contained in a carrying-case.
Hunting	6. No person shall use a snowmobile for the purpose of driving or pursuing any deer or bear or wolf.
Permitting operation by impaired person prohibited	7. No person shall permit the operation of a snowmobile by a person whose ability to operate a snowmobile is impaired by reason of age, physical or mental disability, alcohol or a drug.
Offences	8. No person shall drive a snowmobile, <ul style="list-style-type: none"> <li data-bbox="318 997 975 1046">(a) at a rate of speed greater than reasonable under the circumstances; <li data-bbox="318 1068 975 1134">(b) without due care and attention or without reasonable consideration for other persons or property; <li data-bbox="318 1156 975 1206">(c) while under the influence of alcohol or a drug; <li data-bbox="318 1227 975 1277">(d) in a manner that creates an excessive or unusual level of motor or exhaust noise; or <li data-bbox="318 1298 975 1348">(e) unless it is equipped with a muffler in good working order and in constant operation.
Penalty	9. Every person who contravenes any provision of this Act is guilty of an offence and on summary conviction is liable for the first offence to a fine of not less than \$50 and not more than \$100; and, for the second contravention of the

same provision within one year from the date of the first offence, to a fine of not less than \$100 and not more than \$500.

10. No snowmobile may be operated at a noise level greater^{Noise level} than 86 decibels measured at 50 feet from the machine.

11. This Act comes into force on a day to be named by the^{Commencement} Lieutenant Governor by his proclamation.

12. This Act may be cited as *The Snowmobile Regulation*^{Short title} *Act, 1973.*

An Act to provide for the
Control and Regulation of Snowmobiles

1st Reading

March 23rd, 1973

2nd Reading

3rd Reading

MR. SHULMAN

(Private Member's Bill)

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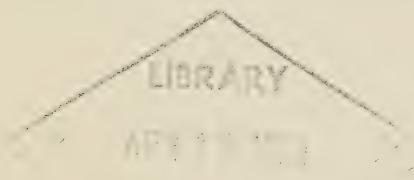
BILL 51

Private Member's Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Insurance Act

MR. SHULMAN



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

Self-explanatory.

BILL 51

1973

An Act to amend The Insurance Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 357 of *The Insurance Act*, being chapter 224 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1971, chapter 84, section 20, is repealed and the following substituted therefor:

357. A person licensed as an agent for life insurance under this Act who makes a false or misleading statement or representation in the solicitation or negotiation of insurance, or coerces or proposes, directly or indirectly, to coerce a prospective buyer of life insurance through the influence of a business or a professional relationship or otherwise, to give a preference in respect to the placing of life insurance that would not be otherwise given in the effecting of a life insurance contract, is guilty of an offence.

2. This Act comes into force on the day it receives Royal Assent.
3. This Act may be cited as *The Insurance Amendment Act, 1973*.

An Act to amend
The Insurance Act

1st Reading

March 23rd, 1973

2nd Reading

3rd Reading

MR. SHULMAN

(*Private Member's Bill*)

CA20N
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-B56

BILL 52

Private Member's Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Highway Traffic Act

MR. SHULMAN



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The amendment requires persons under eighteen years of age to take an approved driver education course before being issued a driver's licence.

BILL 52**1973****An Act to amend The Highway Traffic Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 18 of *The Highway Traffic Act*, being chapter 202 of the ^{s. 18.} ~~amended~~ Revised Statutes of Ontario, 1970, is amended by adding thereto the following subsection:

(1a) A licence shall not be issued to a person under the age ^{Driver} ~~education~~ ^{education} of eighteen years to drive or operate a motor vehicle on a ^{courses} highway unless he has satisfactorily completed a driver education course designated by the Lieutenant Governor in Council by regulation.

2. This Act comes into force on the 1st day of July, 1973. Commencement
3. This Act may be cited as *The Highway Traffic Amendment Act*, ^{Short title} 1973.

An Act to amend
The Highway Traffic Act

1st Reading

March 23rd, 1973

2nd Reading

3rd Reading

MR. SHULMAN

(*Private Member's Bill*)

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BILL 53

Private Member's Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Highway Traffic Act

MR. SHULMAN



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

Self-explanatory.

BILL 53

1973

An Act to amend The Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Highway Traffic Act*, being chapter 202 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section:

62a.—(1) In this section, “motor bus” means any motor vehicle used or designed to be used on a highway for the carriage of ten or more passengers.

(2) No person shall,

(a) manufacture any motor bus; or

Manufacture, sale,
etc., of a
motor bus
without
seat belts
prohibited

(b) introduce, deliver, transport or cause to be transported for sale, sell or offer for sale, in Ontario any motor bus manufactured on or after the day this section comes into force,

unless the motor bus is equipped with a seat belt at each passenger seat location.

(3) Any person who contravenes any of the provisions of subsection 2 is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000 or to imprisonment for a term of not more than one year, or to both.

2. This Act comes into force on the 1st day of August, 1974. Commencement

3. This Act may be cited as *The Highway Traffic Amendment Act*, Short title 1973.

An Act to amend
The Highway Traffic Act

1st Reading

March 23rd, 1973

2nd Reading

3rd Reading

MR. SHULMAN

(Private Member's Bill)

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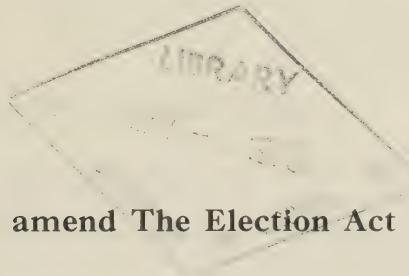
BILL 54

Private Member's Bill

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3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973



An Act to amend The Election Act

MR. SHULMAN

TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The amendment requires that contributors to election campaigns report contributions of more than \$100 to the Chief Election Officer.

BILL 54

1973

An Act to amend The Election Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Election Act*, being chapter 142 of The Revised Statutes of Ontario, 1970, is amended by adding thereto the following section:

161a. Every person or corporation contributing money or its equivalent in the amount or value of more than \$100 to the provincial election campaign of any individual or party shall, within three months after the election, submit a detailed and itemized report of such contribution to the Chief Election Officer.

2. This Act may be cited as *The Election Amendment Act, 1973*. Short title

An Act to amend The Election Act

1st Reading

March 23rd, 1973

2nd Reading

3rd Reading

MR. SHULMAN

(*Private Member's Bill*)

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BILL 55

Private Member's Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Highway Traffic Act

MR. SHULMAN



TORONTO
PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The Bill makes it an offence for a dealer in motor vehicles to:

1. Sell a motor vehicle knowing its odometer has been altered, without making a full disclosure in writing regarding the alteration.
2. Alter the odometer of a motor vehicle for the purpose of deceiving a purchaser or prospective purchaser.

BILL 55

1973

An Act to amend The Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Highway Traffic Act*, being chapter 202 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section:

58a.—(1) No dealer in motor vehicles shall, Altering odometer to deceive purchaser of motor vehicle prohibited

- (a) sell or offer for sale any motor vehicle, knowing that the odometer thereof has been altered in any manner for the purpose of deceiving any purchaser or prospective purchaser as to the usage, mileage or condition of the vehicle, without making a full disclosure in writing regarding such alteration; or
- (b) alter the odometer on any motor vehicle for the purpose of deceiving any purchaser or prospective purchaser as to the usage, mileage or condition of the vehicle.

(2) A dealer in motor vehicles who contravenes any of the provisions of subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$5,000.

2. This Act comes into force on the day it receives Royal Assent. Commencement
3. This Act may be cited as *The Highway Traffic Amendment Act*, Short title 1973.

An Act to amend
The Highway Traffic Act

1st Reading

March 23rd, 1973

2nd Reading

3rd Reading

MR. SHULMAN

(*Private Member's Bill*)

A2ON
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for the Holden (H.)
BILL 56

Private Member's Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

Annotations

An Act to provide for the Control of Eavesdropping

MR. SHULMAN



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

The purpose of the Bill is to control wiretapping and all other forms of electronic overhearing of conversations.

Except in cases involving national security or organized crime, and then only for periods of time not exceeding forty-eight hours, no person may engage in "eavesdropping" without a court order.

The Bill provides that a court order may only be granted on the application of the Attorney General or a Crown attorney and specifies the information that must be given to the court on such an application.

BILL 56

1973

**An Act to provide for
the Control of Eavesdropping**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "eavesdropping" means wiretapping and all other forms of electronic overhearing of conversations and "eavesdrop" has a corresponding meaning; and
- (b) "wiretapping" means the unauthorized use, interference with or connection to any telephone instrument, wiring or equipment for the purpose of acquiring knowledge of any conversation passing over a telephone line.

2. No person shall eavesdrop except under the authority ^{Order required to eavesdrop} of an order made under this Act.

3.—(1) The Attorney General or a Crown attorney may ^{Application for order} apply *ex parte* to a judge of the Supreme Court for an order authorizing eavesdropping.

(2) An order granting authority to eavesdrop shall not be ^{Who may apply for order} made except upon the application of the Attorney General or a Crown attorney.

(3) An order under this Act shall not grant authority ^{Affidavit in support of application} to eavesdrop unless the applicant by affidavit discloses to the judge,

- (a) the applicant's name and official position;
- (b) the name of the person against whom the eavesdropping will be directed;

- (c) the nature and location of the premises against which the eavesdropping will be directed;
- (d) full particulars of the offence under investigation;
- (e) a description of the type of conversation that the applicant seeks to overhear;
- (f) particulars of any other alternative investigative procedures and the reasons for the applicant's belief that such procedures have not or will not be sufficient;
- (g) the period of time during which the applicant believes the eavesdropping is necessary;
- (h) full particulars of all previous applications under this Act with respect to the person or the place set out in clauses *b* and *c* and the order made by the judge on each of the applications; and
- (i) that the applicant believes that the eavesdropping is necessary in the particular circumstances.

Limitation as to time

- (4) An order made under this section shall,

- (a) limit the time during which the eavesdropping is authorized to a period of not more than thirty days; and
- (b) terminate the authority to eavesdrop as soon as the conversation set out in clause *e* of subsection 3 is overheard.

Additional conversations (5) Notwithstanding clause *b* of subsection 4, where the judge is satisfied by the information disclosed in the affidavit required by subsection 3 that the applicant has reasonable cause to believe that further conversations of a type similar to that set out in clause *e* of subsection 3 are likely to occur, the order made under this section need not terminate the authority when that conversation is overheard.

Extension of time

4.—(1) Where an order is made under section 3, an application may be made to a judge of the Supreme Court for a further order extending the authority to eavesdrop for an additional period of not more than thirty days from the date of the expiration of the authority.

Provisions of s. 3 apply

(2) The provisions of section 3 apply *mutatis mutandis* to an application and an order made under this section.

(3) An order made under this section shall not extend the period of time of the authority to eavesdrop unless the applicant discloses by affidavit to the judge, ^{Additional information by affidavit}

- (a) the information obtained by the exercise of the authority and the progress of the investigation resulting from the information obtained; and
- (b) the reason why the period of time of the authority under the order made under section 3 was not sufficient.

5. On an application under section 4 or section 5, the applicant shall submit by affidavit such additional information as the judge may require. ^{Judge may require additional information}

6.—(1) Where an order is made under section 3 granting authority to eavesdrop, the applicant for the order shall, not later than ninety days after the termination of the authority, serve upon the person named in the application as the person against whom the eavesdropping is directed, notice of the eavesdropping. ^{Notice}

(2) Where the period of time of the authority to eavesdrop is extended by an order made under section 4, the notice required under subsection 1 shall be served not later than ninety days after the termination of the extension of the authority. ^{Idem}

(3) The notice shall set out,

^{Particulars of notice}

- (a) the name of the person against whom the eavesdropping was directed;
- (b) the location of the premises against which the eavesdropping was directed;
- (c) the dates on which the eavesdropping occurred; and
- (d) the authority under which the eavesdropping occurred.

(4) The notice required by this section shall be in writing and shall be served personally or by registered mail addressed to the person at his residence or place of business and if served by registered mail it shall be deemed to be served on the third day after it is mailed. ^{Service of notice}

(5) A judge of the Supreme Court may make an order dispensing with service of the notice required by this section where on an application to the judge the applicant

discloses by affidavit facts that establish good cause for dispensing with service of the notice.

Recording
to be made
available
to judge

7. Upon the expiration of the authority to eavesdrop granted under an order made under section 3 or section 4, as the case may be, the applicant for the order shall forthwith make available to the judge who made the order a copy of the recording of every conversation recorded during the eavesdropping.

Nature of
offence

R.S.C. 1970,
c. C-34

8. An order made under this Act shall not grant authority to eavesdrop unless the offence under investigation is one that is an indictable offence within the meaning of the *Criminal Code* (Canada) or is an offence that under the law of Canada or Ontario is punishable by imprisonment for more than one year.

Exception
in the case
of national
security or
organized
crime

9. Notwithstanding any other provision of this Act, where the offence under investigation is likely to endanger the safety, security or defence of Canada or involves the activities of persons organized for criminal purposes, eavesdropping may be directed against any person or place for a period of not more than forty-eight hours without the authority of an order under this Act.

Offence

10. Every person who contravenes any provision of this Act is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than two years, or to both.

Commencement

11. This Act comes into force on the day it receives Royal Assent.

Short title

12. This Act may be cited as *The Control of Eavesdropping Act, 1973*.

An Act to provide for
the Control of Eavesdropping

1st Reading

March 23rd, 1973

2nd Reading

3rd Reading

MR. SHULMAN

(*Private Member's Bill*)

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BILL 57

Private Member's Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Highway Traffic Act

MR. SHULMAN

TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The Bill makes it an offence for the driver of a motor vehicle to fail to stop when given a clear signal to do so by a uniformed constable or police officer driving a plainly marked police vehicle.

BILL 57

1973

An Act to amend The Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Highway Traffic Act*, being chapter 202 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section:

153a.—(1) Every driver of a motor vehicle when given by means of hand, voice, siren or emergency light an audible or visual signal to stop by a constable or officer in a police vehicle, shall bring his vehicle to a stop and shall not otherwise flee or attempt to elude the police vehicle provided,

- (a) the police vehicle is plainly marked as such; and
- (b) the constable or officer is in uniform with his badge of office prominently displayed thereon.

(2) Every person who contravenes the provisions of sub-section 1 is liable to a fine of not less than \$100 and not more than \$500, or to imprisonment for a term of not less than thirty days and not more than six months, or to both such fine and imprisonment.

2. This Act comes into force on the day it receives Royal Assent.
3. This Act may be cited as *The Highway Traffic Amendment Act*, 1973.

An Act to amend The Highway Traffic Act

1st Reading

March 23rd, 1973

2nd Reading

3rd Reading

MR. SHULMAN

(*Private Member's Bill*)

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Government
Publications

BILL 58

Private Member's Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

**An Act to provide for the Certification of Dealers and Persons
engaged in the fitting and selling of Hearing Aids**

MR. SHULMAN



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The Bill requires a person engaged in the sale of or practice of fitting hearing aids to be the holder of a certificate of registration issued by the Minister of Health.

Requirements for registration are specified and provision is made for the examination of applicants for registration. Certificates of registration may be suspended or revoked by the Minister of Health on grounds specified in the Bill, and appeals from suspension or revocation may be made to a judge of a county or district court. The Advisory Council on Hearing Aids is established and is empowered to advise the Minister of Health on all matters relating to the Bill.

BILL 58

1973

**An Act to provide for the Certification of
Dealers and Persons engaged in the fitting and
selling of Hearing Aids**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "certificate of registration" means a certificate of registration issued by the Minister under this Act;
- (b) "Council" means the Advisory Council on Hearing Aids;
- (c) "hearing aid" means any instrument or device designed for or represented as aiding, improving or correcting defective human hearing and any parts, attachments or accessories of such an instrument or device;
- (d) "Minister" means the Minister of Health;
- (e) "Ministry" means the Ministry of Health;
- (f) "practice of fitting hearing aids" means the evaluation or measurement of the powers or range of human hearing by means of an audiometer or by any other means devised, and the consequent selection or adaption or sale of hearing aids intended to compensate for hearing loss;
- (g) "prescribed" means prescribed by the regulations;
- (h) "regulations" means the regulations made under this Act;
- (i) "unethical conduct" means,

- (i) the obtaining of any fee or the making of any sale by fraud or misrepresentation,
- (ii) employing directly or indirectly any suspended or unregistered person to perform any work covered by this Act,
- (iii) using or causing or promoting the use of any advertising matter, promotional literature, testimonial, guarantee, warranty, label, brand, insignia or any other representation, however disseminated or published, which is misleading, deceiving, improbable or untruthful,
- (iv) advertising a particular model, type or kind of hearing aid for sale when purchasers or prospective purchasers responding to the advertisement cannot purchase or are dissuaded from purchasing the advertised model, type or kind, where it is established that the purpose of the advertisement is to obtain prospects for the sale of a different model, type or kind than that advertised,
- (v) representing that the services or advice of a duly qualified medical practitioner will be used or made available in the selection, fitting, adjustment, maintenance or repair of hearing aids when that is not true, or using the word "doctor", "clinic" or other like words, abbreviations or symbols which tend to connote the medical profession when such use is not accurate,
- (vi) habitual intemperance,
- (vii) gross immorality,
- (viii) permitting another to use his certificate.

Delegation
of
Minister's
powers

2. The Minister may delegate any of the powers conferred upon him by or under this Act to the Deputy Minister of the Ministry or any other official of the Ministry designated by the Minister.

Unautho-
rized
practice
prohibited

3.—(1) No person shall engage in the sale of or practice of fitting hearing aids or display a sign or in any other way advertise or hold himself out as a person who practises the fitting of hearing aids unless he holds a current, unsuspended, unrevoked certificate of registration issued by the Minister as provided in this Act.

(2) The certificate required by subsection 1 shall be kept ^{posting of certificates} conspicuously posted in the holder's office or place of business at all times.

4. Any person who practises the fitting of or dealing in ^{receipts} hearing aids shall deliver to each person supplied with a hearing aid by him or at his order or direction, a receipt which shall contain his signature and show the address of his regular place of practice and the number of his certificate, together with a specification of the hearing aid furnished and the amount charged therefor.

5.—(1) This Act does not apply to a person while he is ^{saving as to institutions of higher education, etc.} engaged in the practice of fitting hearing aids if his practice is part of the academic curriculum of an accredited institution of higher education or part of a program conducted by a public, charitable institution or non-profit organization, that is primarily supported by voluntary contributions.

(2) This Act shall not be construed to prevent a legally ^{saving as to legally qualified medical practitioners} qualified medical practitioner from treating or fitting hearing aids to the human ear.

6. An applicant for registration shall pay the prescribed ^{registration requirements} fee and shall show to the satisfaction of the Minister that he, ^{ments}

- (a) is a resident of Ontario;
- (b) is a person of good moral character;
- (c) is eighteen years of age or older;
- (d) has Grade 12 standing or such other academic standing as is, in the opinion of the Minister, equivalent thereto or has continuously engaged in the practice of fitting hearing aids in Ontario during the three years preceding the date this Act comes into force; and
- (e) is free of contagious or infectious disease.

7.—(1) An applicant for registration who is notified by ^{written and practical tests} the Minister that he has fulfilled the requirements of section 6 shall appear at a time and place and before such persons as the Minister may designate, to be examined by written and practical tests in order to demonstrate that he is qualified to practise the fitting of hearing aids.

Examina-
tions to be
held yearly

(2) The Minister or persons designated by him shall hold at least one examination of the type prescribed in subsection 1 in each year, and such additional examinations as the volume of applications may make appropriate.

Content of
examina-
tions

8. The examination provided in subsection 1 of section 7 shall consist of,

(a) tests of knowledge in the following areas as they pertain to the fitting of hearing aids,

(i) basic physics of sound,

(ii) the human hearing mechanism, including the science of hearing and the causes and rehabilitation of abnormal hearing and hearing disorders,

(iii) structure and function of hearing aids; and

(b) tests of proficiency in the following techniques as they pertain to the fitting of hearing aids,

(i) pure tone audiometry, including air conduction testing and bone conduction testing,

(ii) live voice or recorded voice speech audiometry, including speech reception, threshold testing and speech discrimination testing,

(iii) effective masking,

(iv) recording and evaluation of audiograms and speech audiometry to determine hearing aid candidacy,

(v) selection and adaption of hearing aids and testing of hearing aids,

(vi) taking earmold impressions.

Certificate
of
registration

9.—(1) Upon payment of the prescribed fee, the Minister shall register each applicant who satisfactorily passes the examination and thereupon the Minister shall issue to the applicant a certificate of registration.

Duration of
certificate

(2) A certificate of registration is effective for one year from the date of its issue.

10.—(1) Any person registered under this Act may, after a hearing of which he has received not less than ten days notice, have his certificate revoked or suspended for a fixed period by the Minister for any of the following causes:

1. His conviction of an offence involving moral turpitude.
2. Where his certificate has been secured by fraud or deceit practised upon the Minister.
3. For unethical conduct, or for gross ignorance or inefficiency in his profession.
4. Practising while knowingly suffering from a contagious or infectious disease.
5. Advertising professional methods or professional superiority.
6. Practising the fitting of hearing aids under a false or alias name.

(2) For the purposes of this section, the record of conviction, or a certified copy thereof certified by the clerk of the court or by the judge in whose court the conviction is had, shall be conclusive evidence of such conviction.

(3) At the hearing referred to in subsection 1, the person registered is entitled to hear the evidence, cross-examine, call witnesses, present argument and be represented by counsel or agent.

(4) Notice of the decision of the Minister following a hearing under subsection 1, together with reasons in writing therefor, shall be served upon the person affected thereby, either personally or by registered mail addressed to such person at his last known place of address.

(5) Where the person affected by a decision after a hearing under subsection 1 deems himself aggrieved thereby, he may, within five days of receipt of the decision, appeal the decision to a judge of the county or district court of the county or district within which he carries on business, and the judge may confirm, revoke or modify the decision.

11.—(1) The Advisory Council on Hearing Aids is hereby established and shall consist of five members to be appointed by the Lieutenant Governor in Council.

Qualification of members	(2) Members of the Council shall be residents of Ontario.
Idem	(3) One member shall be a legally qualified medical practitioner who holds certification of otolaryngology from The Royal College of Physicians and Surgeons of Canada.
Idem	(4) Three members shall be persons experienced in the fitting of hearing aids, who possess the qualifications prescribed in section 6, but all successors to the position of such members, who are appointed to the Council after the date on which the Minister first issues a certificate of registration as provided in section 9, shall be persons who hold valid certificates of registration under this Act.
Idem	(5) No member of the Council shall be an employee of the Ministry.
Duties of Council	12. —(1) The Council shall have the responsibility and duty of advising the Minister in all matters relating to this Act, shall prepare the examinations required by this Act, subject to the approval of the Minister, and shall assist the Minister in carrying out the provisions of this Act.
Minister to be guided	(2) The Minister shall consider and be guided by the recommendations of the Council in all matters relating to this Act.
Meetings of Council	13. —(1) The Council shall meet at least once each year at a place and time determined by the Council.
Idem	(2) The Council shall also meet at such other times and places as are specified by the Minister.
Regulations	14. The Lieutenant Governor in Council may make regulations,
	(a) prescribing the fees payable on an application for registration and on the issuance of a certificate of registration;
	(b) prescribing forms and providing for their use;
	(c) governing the conduct of meetings of the Council;
	(d) regulating the practice and procedure on hearings under section 10.
Offence	15. —(1) Any person who contravenes any of the provisions of this Act is guilty of an offence and liable on summary conviction to a fine of not more than \$500 or to imprisonment for not more than ninety days, or to both.

(2) Where any provision of this Act is contravened, in addition to any proceeding had under subsection 1, such contravention may be restrained by action at the instance of the Minister.

16. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

17. This Act may be cited as *The Hearing Aid Sales Act*,
1973.

An Act to provide for the Certification
of Dealers and Persons engaged in the
fitting and selling of Hearing Aids

1st Reading

March 23rd, 1973

2nd Reading

3rd Reading

MR. SHULMAN

(*Private Member's Bill*)

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BILL 59

Private Member's Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Labour Relations Act

MR. DREA



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The effect of the Bill is to provide that no trade union may be certified under the Act that sends any part of the moneys paid in by its members to any place outside Canada; sending such moneys outside Canada after certification is grounds for decertification.

1973

BILL 59

An Act to amend The Labour Relations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 12 of *The Labour Relations Act*, being chapter 232 of ^{s. 12, amended} the Revised Statutes of Ontario, 1970, is amended by adding at the end thereof “or if it keeps at or sends to any place outside Canada the whole or any part of moneys paid to the trade union by its members in respect of initiation fees, monthly dues or any other assessment or levy”.
2. The said Act is amended by adding thereto the following section: ^{s. 50a, enacted}

50a. If a trade union that has obtained a certificate keeps at ^{Termination for sending} or sends to any place outside Canada at any time the whole ^{moneys} or any part of moneys paid to the trade union by its members ^{outside} Canada in respect of initiation fees, monthly dues or any other assessment or levy, the Board may declare that the trade union no longer represents the employees in the bargaining unit and, upon the making of such declaration, the trade union is not entitled to claim any rights or privileges flowing from certification.
3. This Act comes into force on the day it receives Royal Assent. ^{Commencement}
4. This Act may be cited as *The Labour Relations Amendment Act*, ^{Short title} 1973.

An Act to amend
The Labour Relations Act

1st Reading

March 26th, 1973

2nd Reading

3rd Reading

MR. DREA

(*Private Member's Bill*)

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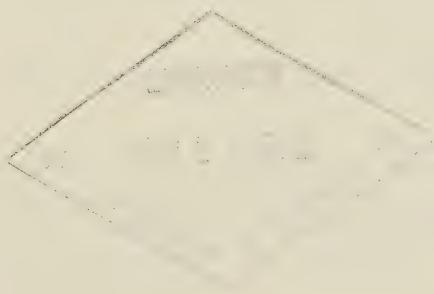
BILL 60

Private Member's Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to provide for the Appointment of a Commissioner to investigate Administrative Decisions and Acts of Officials of the Government of Ontario and its Agencies, and to define the Commissioner's Powers and Duties

MR. SINGER



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

BILL 60

1973

An Act to provide for the Appointment of a Commissioner to investigate Administrative Decisions and Acts of Officials of the Government of Ontario and its Agencies, and to define the Commissioner's Powers and Duties

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "agency" means an agency of the Government of Ontario;
- (b) "Commissioner" means the Commissioner of the Legislature appointed under this Act;
- (c) "minister" means a member of the Executive Council;
- (d) "ministry" means a ministry of the Government of Ontario.

2. There shall be appointed by the Lieutenant Governor in <sup>Appoint-
ment</sup> Council on the recommendation of the Assembly as an officer of the Legislature a commissioner, to be called the Commissioner of the Legislature, who shall exercise the powers and perform the duties specified in this Act.

3. The Commissioner shall not be a member of the <sup>To hold
no other
office</sup> Assembly and shall not hold any office of trust or profit, other than his office as Commissioner, or engage in any occupation for reward outside the duties of his office.

4.—(1) The recommendation for the appointment of the <sup>Term of
office</sup> Commissioner shall be made in the first session of every Legislature.

Reappointment	(2) Unless his office sooner becomes vacant, every person appointed as Commissioner shall hold office until his successor is appointed, and every such person may from time to time be reappointed.
Resignation	(3) The Commissioner may at any time resign his office by a writing addressed to the Speaker of the Assembly or, if there is no Speaker or if the Speaker is absent from Ontario, to the Clerk of the Assembly.
Removal from office	5. —(1) The Commissioner may at any time be removed or suspended from his office by the Lieutenant Governor in Council on the recommendation of the Assembly for disability, neglect of duty, misconduct or upon a bankruptcy.
Suspension when Legislature not in session	(2) At any time when the Legislature is not in session, the Commissioner may be suspended from his office by the Lieutenant Governor in Council for disability, neglect of duty, misconduct or upon a bankruptcy proved to the satisfaction of the Lieutenant Governor in Council, but any such suspension shall not continue in force beyond the end of the next ensuing session of the Legislature.
Filling of vacancy	6. —(1) If the Commissioner dies, retires, resigns or is removed from office, the vacancy thereby created shall be filled in accordance with this section.
When Legislature in session	(2) If a vacancy in the office of Commissioner occurs at any time while the Legislature is in session, it shall be filled by the appointment of a Commissioner by the Lieutenant Governor in Council on the recommendation of the Assembly, but, if the vacancy occurs less than one month before the end of that session and no such recommendation is made in that session, subsection 3 applies as if the vacancy had occurred while the Legislature was not in session.
When Legislature not in session	(3) If such a vacancy occurs at any time while the Legislature is not in session, the Lieutenant Governor in Council may appoint a Commissioner to fill the vacancy, and the person so appointed shall, unless his office sooner becomes vacant, hold office until his appointment is confirmed by the Assembly, and, if the appointment is not so confirmed within two months after the commencement of the next ensuing session, the appointment lapses, and there shall be deemed to be another vacancy in the office of Commissioner.
Oath of office	7. —(1) Before entering upon his duties, the Commissioner shall take an oath that he will faithfully and impartially perform the duties of his office and that he will not, except in accordance with subsection 3 of section 16, divulge any information received by him under this Act.

(2) The oath shall be administered by the Speaker of the ^{Idem} Assembly or by the Clerk of the Assembly.

8.—(1) Subject to subsection 2, the Commissioner may ^{Staff} appoint such officers and employees as may be necessary for the efficient carrying out of his functions under this Act.

(2) The number of persons that may be appointed under ^{Idem} this section, whether generally or in respect of any specified duties or class of duties, shall from time to time be determined by the Lieutenant Governor in Council.

9.—(1) The principal function of the Commissioner is to ^{Functions} investigate any decision or recommendation made, including any recommendation made to a minister, or any act done or omitted, relating to a matter of administration and affecting any person or body of persons in his or its personal capacity, in or by any ministry or agency, or by any officer, employee or member thereof in the exercise of any power or function conferred on him by any Act.

(2) The Commissioner may make any such investigation ^{Initiation of investigation} either on a complaint made to him by any person or of his own motion, and he may commence any such investigation notwithstanding that the complaint may not on its face be against any such decision, recommendation, act or omission as aforesaid.

(3) Without limiting subsection 1, any committee of the ^{Referrals by committees} Assembly may at any time refer to the Commissioner, for investigation and report by him, any petition that is before that committee for consideration or any matter to which the petition relates, and, in any such case, the Commissioner shall, subject to any special directions of the committee, investigate the matters so referred to him so far as they are within his jurisdiction and make such report to the committee as he thinks fit, but nothing in section 12, 17 or 18 applies in respect of any investigation or report made under this subsection.

(4) The powers and duties conferred on the Commissioner ^{Powers and duties paramount} by this Act may be exercised and performed notwithstanding any provision in any Act to the effect that any decision, recommendation, act or omission mentioned in subsection 1 is final, or that no appeal lies in respect thereof, or that no proceeding or decision of the person or organization whose decision, recommendation, act or omission it is shall be challenged, reviewed, quashed or called in question.

(5) Nothing in this Act authorizes the Commissioner to ^{Areas outside jurisdiction} investigate,

- (a) any decision, recommendation, act or omission in respect of which there is under any Act a right of appeal or objection or a right to apply for a review on the merits of the case to any court or to any tribunal constituted by or under any Act, whether or not that right of appeal or objection or application has been exercised in the particular case and whether or not any time prescribed for the exercise of that right has expired; or
- (b) any decision, recommendation, act or omission of any person acting as a solicitor for the Crown or acting as counsel for the Crown in relation to any proceedings.

Determination of jurisdiction (6) If any question arises as to whether the Commissioner has jurisdiction to investigate any case or class of cases under this Act, he may, if he thinks fit, apply to the Supreme Court for a declaratory order determining the question.

Guide rules **10.**—(1) The Assembly may from time to time, if it thinks fit, make general rules for the guidance of the Commissioner in the exercise of his functions, and may at any time in like manner revoke or vary any such rules.

Publication of reports (2) Any such rules may authorize the Commissioner from time to time, in the public interest or in the interests of any person or ministry or agency, to publish reports relating generally to the exercise of his functions under this Act or to any particular case or cases investigated by him, whether or not the matters to be dealt with in any such report have been the subject of a report to the Assembly under this Act.

Publication of rules (3) All such rules shall be printed and published.

Mode of complaint **11.**—(1) Every complaint to the Commissioner shall be made in writing.

Letters to be forwarded (2) Notwithstanding any Act, where a letter written by any person in custody on a charge or after conviction of any offence, or by any inmate of any private sanitarium within the meaning of *The Private Sanitaria Act* or an institution within the meaning of *The Mental Hospitals Act*, is addressed to the Commissioner, it shall be immediately forwarded, unopened, to the Commissioner by the person for the time being in charge of the place or institution where the writer of the letter is detained or of which he is an inmate.

Commissioner may refuse to investigate complaint **12.**—(1) If in the course of the investigation of any complaint it appears to the Commissioner,

- (a) that under the law or existing administrative practice there is an adequate remedy, other than the right to petition the Legislature, for the complainant, whether or not he has availed himself of it; or
- (b) that, having regard to all the circumstances of the case, any further investigation is unnecessary,

he may in his discretion refuse to investigate the matter further.

(2) Without limiting the generality of the powers conferred on the Commissioner by this Act, the Commissioner may in his discretion decide not to investigate, or, as the case may require, not to further investigate, any complaint if it relates to any decision, recommendation, act or omission of which the complainant has had knowledge for more than twelve months before the complaint is received by the Commissioner, or if in his opinion,

- (a) the subject-matter of the complaint is trivial;
- (b) the complaint is frivolous or vexatious or is not made in good faith; or
- (c) the complainant has not a sufficient personal interest in the subject-matter of the complaint.

(3) In any case where the Commissioner decides not to investigate or further investigate a complaint, he shall inform the complainant of his decision, and he may, if he thinks fit, state his reasons therefor.

13.—(1) Before investigating any matter under this Act, the Commissioner shall inform the deputy minister of the ministry affected, or, as the case may require, the administrative head of the agency affected, of his intention to make the investigation.

(2) Every investigation by the Commissioner under this Act shall be conducted in private.

(3) The Commissioner may hear or obtain information from such persons as he thinks fit, and he may make such inquiries as he thinks fit.

(4) It is not necessary for the Commissioner to hold any hearings and no person is entitled as of right to be heard by the Commissioner, but, if at any time during the course of an investigation it appears to the Commissioner that there

may be sufficient grounds for his making a report or recommendation that may adversely affect any ministry, agency or person, he shall give to that ministry, agency or person an opportunity to be heard, and at any such hearing the ministry, agency or person is entitled to counsel.

Consultations

(5) The Commissioner may in his discretion, at any time during or after any investigation, consult any minister who is concerned in the matter of the investigation.

Idem

(6) On the request of any minister in relation to an investigation or in any case where an investigation relates to any recommendation made to a minister, the Commissioner shall consult that minister after making the investigation and before forming a final opinion on any of the matters referred to in subsection 1 or 2 of section 17.

Misconduct

(7) If, during or after any investigation, the Commissioner is of opinion that there is evidence of any breach of duty or misconduct on the part of any officer or employee of any ministry or agency, he shall refer the matter to the appropriate authority.

Regulation of procedure

(8) Subject to this Act and any rules made under section 10, the Commissioner may regulate his procedure in such manner as he thinks fit.

Evidence

14.—(1) Subject to this section and section 15, the Commissioner may from time to time require any person who in his opinion is able to give any information relating to any matter that is being investigated by him to furnish to him any such information and to produce any such document, paper or thing that in his opinion relates to any such matter and that may be in the possession or under the control of such person, whether or not such person is an officer, employee or member of a ministry or agency, and whether or not such document, paper or thing is in the custody or under the control of any such ministry or agency.

Power to take evidence on oath

(2) The Commissioner may summon before him and examine on oath,

(a) any person who is an officer or employee or member of any ministry or agency and who in the Commissioner's opinion is able to give any information mentioned in subsection 1;

(b) any complainant; or

(c) with the prior approval of the Attorney General in each case, any other person who in the Commissioner's opinion is able to give such information,

and for that purpose may administer an oath.

(3) Subject to subsection 4, no person who is bound by any Act to maintain secrecy in relation to, or not to disclose, any matter shall be required to supply any information to or answer any question put by the Commissioner in relation to that matter, or to produce to the Commissioner any document, paper or thing relating to it, if compliance with that requirement would be in breach of the obligation of secrecy or non-disclosure.

(4) With the prior consent in writing of a complainant, any person to whom subsection 3 applies may be required by the Commissioner to supply information or answer any question or produce any document, paper or thing relating only to the complainant, and it is duty of the person to comply with such requirement.

(5) Every person has the same privileges in relation to the giving of information, the answering of questions and the production of documents, papers and things under this Act as witnesses have in any court.

(6) Except on the trial of a person for perjury, no statement made or answer given by that or any other person in the course of any inquiry by or any proceedings before the Commissioner is admissible in evidence against any person in any court or at any inquiry or in any other proceedings, and no evidence in respect of proceedings before the Commissioner shall be given against any person.

(7) No person is liable to prosecution for an offence against any Act by reason of his compliance with any requirement of the Commissioner under this section.

15.—(1) Where the Attorney General certifies that the giving of any information or the answering of any question or the production of any document, paper or thing might involve the disclosure of certain matters not to be required

(a) the deliberations of the Executive Council; or

(b) proceedings of the Executive Council, or any committee thereof, relating to matters of a secret or confidential nature, and would be injurious to the public interest,

the Commissioner shall not require the information or answer to be given or, as the case may be, the document, paper or thing to be produced, but shall report the giving of such a certificate to the Legislature.

Rule as to
privileged
documents,
etc., does
not apply

(2) Subject to subsection 1, the rule of law that authorizes or requires the withholding of any document, paper or thing, or the refusal to answer any question, on the ground that the disclosure of the document, paper or thing or the answering of the question would be injurious to the public interest, does not apply in respect of any investigation by or proceedings before the Commissioner.

Secrecy

16.—(1) The Commissioner and every person holding any office or appointment under him shall maintain secrecy in respect of all matters that come to their knowledge in the exercise of their functions.

Oath

(2) Every person holding any office or appointment under the Commissioner shall, before he begins to perform his duties under this Act, take an oath, to be administered by the Commissioner, that he will not divulge any information received by him under this Act except for the purpose of giving effect to this Act.

Exception

(3) Notwithstanding subsection 1, the Commissioner may disclose in any report made by him under this Act such matters as in his opinion ought to be disclosed in order to establish grounds for his conclusions and recommendations.

Procedure
after
investigation

17.—(1) This section applies in every case where, after making any investigation under this Act, the Commissioner is of opinion that the decision, recommendation, act or omission that was the subject-matter of the investigation,

(a) appears to have been contrary to law;

(b) was unreasonable, unjust, oppressive, improperly discriminatory or was, in accordance with a rule of law or a provision of any Act or a practice that is or may be unreasonable, unjust, oppressive or improperly discriminatory;

(c) was based wholly or partly on a mistake of law or fact; or

(d) was wrong.

Idem

(2) This section also applies in any case where the Commissioner is of opinion that in the making of the decision or

recommendation, or in the doing or omission of the act, a discretionary power has been exercised for an improper purpose or on irrelevant grounds or on the taking into account of irrelevant considerations, or that, in the case of a decision made in the exercise of any discretionary power, reasons should have been given for the decision.

(3) If in any case to which this section applies the Commissioner is of opinion, Opinion, etc., to be reported to ministry

- (a) that the matter should be referred to the appropriate authority for further consideration;
- (b) that the omission should be rectified;
- (c) that the decision should be cancelled or varied;
- (d) that any practice on which the decision, recommendation, act or omission was based should be altered;
- (e) that any law on which the decision, recommendation, act or omission was based should be reconsidered;
- (f) that reasons should have been given for the decision; or
- (g) that any other steps should be taken,

the Commissioner shall report his opinion and his reasons therefor to the appropriate minister and to the ministry or agency concerned, and may make such recommendations as he thinks fit, and in any such case he may request the ministry or agency to notify him, within a specified time, of the steps, if any, that it proposes to take to give effect to his recommendations.

(4) If within a reasonable time after the report is made no action is taken that seems to the Commissioner to be adequate and appropriate, the Commissioner, in his discretion, after considering the comments, if any, made by or on behalf of the ministry or agency affected, may send a copy of the report and recommendations to the Lieutenant Governor in Council and may thereafter make such report to the Legislature on the matter as he thinks fit. Report to Cabinet and Assembly

(5) The Commissioner shall attach to every report sent or made under subsection 4 a copy of any comments made by or on behalf of the ministry or agency concerned. Idem

Comment adverse to person	(6) Notwithstanding anything in this section, the Commissioner shall not, in any report made under this Act, make any comment that is adverse to any person unless the person has been given an opportunity to be heard.
Complainant to be informed of result of investigation	18. —(1) Where on any investigation under this Act the Commissioner makes a recommendation under subsection 3 of section 17 and no action that seems to the Commissioner to be adequate and appropriate is taken thereon within a reasonable time, the Commissioner shall inform the complainant of his recommendation and make such comments on the matter as he thinks fit.
Item	(2) The Commissioner shall in any case inform the complainant, in such manner and at such time as he thinks proper, of the result of the investigation.
Private clause	19. No proceedings of the Commissioner shall be held bad for want of form and, except on the ground of lack of jurisdiction, no proceedings or decision of the Commissioner shall be challenged, reviewed, quashed or called in question in any court.
Proceedings privileged	20. —(1) No proceedings lie against the Commissioner or against any person holding any office or appointment under the Commissioner for anything he may do or report or say in the course of the exercise or intended exercise of his functions under this Act, unless it is shown that he acted in bad faith.
Not compellable as witnesses	(2) Neither the Commissioner nor any person holding any office or appointment under the Commissioner shall be called upon to give evidence in any court or in any proceedings of a judicial nature in respect of anything coming to his knowledge in the exercise of his functions under this Act.
Privilege	(3) Anything said or any information supplied or any document, paper or thing produced by any person in the course of any inquiry by or proceedings before the Commissioner under this Act is privileged in the same manner as if the inquiry or proceedings were proceedings in a court.
Report deemed privileged R.S.O. 1970, c. 243	(4) For the purposes of <i>The Libel and Slander Act</i> , any report made by the Commissioner under this Act shall be deemed to be privileged, and a fair and accurate report in a newspaper or a broadcast shall be deemed to be privileged.
Power to enter premises	21. —(1) For the purposes of this Act but subject to this section, the Commissioner may at any time enter upon any premises occupied by any ministry or agency and inspect the premises and, subject to sections 14 and 15, carry out therein any investigation that is within his jurisdiction.

(2) Before entering upon any such premises, the Commissioner shall notify the deputy minister of the ministry or, as the case may require, the administrative head of the agency that occupies the premises of his intention so to do. ^{Notice}

22.—(1) With the prior approval of the Lieutenant Governor in Council, the Commissioner may from time to time, by writing under his hand, delegate to any person holding any office under him any of his powers under this Act, except this power of delegation and the power to make any report under this Act. ^{Delegation of powers}

(2) Any such delegation may be made to a specified person ^{To whom powers} or to the holder for the time being of a specified office or to the ^{may be delegated} holders of offices of a specified class. ^{holders}

(3) Every such delegation is revocable at will, and no such delegation prevents the exercise of any power by the Commissioner. ^{Delegations revocable}

(4) Any such delegation may be made subject to such restrictions and conditions as the Commissioner thinks fit, and may be made either generally or in relation to any particular case or class of cases. ^{Scope of delegations}

(5) Until any such delegation is revoked, it continues in force according to its tenor and, in the event of the Commissioner by whom it was made ceasing to hold office, continues to have effect as if made by his successor. ^{Life of delegations}

(6) Any person purporting to exercise any power of the Commissioner by virtue of such a delegation shall, when required to do so, produce evidence of his authority to exercise the power. ^{Evidence of delegated powers}

23. Without limiting his right to report at any other time, but subject to subsection 6 of section 17 and to any rules made under section 10, the Commissioner shall in each year make a report to the Legislature on the exercise of his functions under this Act. ^{Annual report}

24. Every person commits an offence against this Act ^{Offences} and is liable on summary conviction to a fine of not more than \$500 who,

(a) without lawful justification or excuse, wilfully obstructs, hinders or resists the Commissioner or any other person in the exercise of his powers under this Act;

Provisions
are in
addition
to other
laws

- (b) without lawful justification or excuse, refuses or wilfully fails to comply with any lawful requirement of the Commissioner or any other person under this Act; or
- (c) wilfully makes any false statement to or misleads or attempts to mislead the Commissioner or any other person in the exercise of his powers under this Act.

25. The provisions of this Act are in addition to the provisions of any other Act or any rule of law under which any remedy or right of appeal or objection is provided for any person or any procedure is provided for the inquiry into or investigation of any matter, and nothing in this Act limits or affects any such remedy or right of appeal or objection or procedure.

Short title

26. This Act may be cited as *The Commissioner of the Legislature Act, 1973.*

An Act to provide for the Appointment of a Commissioner to investigate Administrative Decisions and Acts of Officials of the Government of Ontario and its Agencies, and to define the Commissioner's Powers and Duties

1st Reading

March 26th, 1973

2nd Reading

3rd Reading

MR. SINGER

(Private Member's Bill)

CAZON

KB

-B 56

BILL 61

Private Member's Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

**An Act to establish
The Ontario Bureau of Statistics**

MRS. SCRIVENER



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The Bill repeals the present *Statistics Act* and establishes The Ontario Bureau of Statistics with a view to promoting a provincial social census at five year intervals.

BILL 61

1973

**An Act to establish
The Ontario Bureau of Statistics**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Bureau" means The Ontario Bureau of Statistics;
- (b) "Minister" means the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs;
- (c) "person", in addition to its meaning in *The Interpretation Act*, includes a municipality as defined in *The Municipal Affairs Act*; R.S.O. 1970,
cc. 225, 118
- (d) "statistical information" means information relative to the economic, financial, industrial, commercial, social and general activities and condition of persons, whether such information is collected by means of sampling or any other statistical method.

2.—(1) A Bureau to be known as The Ontario Bureau of ^{Bureau}_{established} Statistics is hereby established.

(2) The Bureau shall be composed of not fewer than seven ^{Composition} members appointed by the Lieutenant Governor in Council.

3. The Lieutenant Governor in Council may designate ^{Chairman} one of the members of the Bureau to be chairman.

4. Five members of the Bureau constitute a quorum. Quorum

5. The Lieutenant Governor in Council may fill any ^{Vacancies} vacancy among the members of the Bureau.

Objects
and
powers

6.—(1) The objects of the Bureau are and it has the power, (a) to study and evaluate every five years commencing in the year 1974, the public's attitudes and values as they relate to,

- (i) housing,
- (ii) personal attachment to the local community,
- (iii) services provided by the local community,
- (iv) accessibility to the local political structure and the degree to which a person may influence that structure,
- (v) the working environment,
- (vi) family life and marriage,
- (vii) past and present educational, health and social services, and
- (viii) personal concerns and worries that affect a person's daily activities and attitudes;

(b) to collect, compile, analyze and disseminate statistical information; and

(c) to collect statistical information jointly with the minister of any other ministry of government.

Further
powers

(2) Subject to the approval of the Lieutenant Governor in Council, for the furtherance of its objects, the Bureau may enter into agreements with the Government of Canada or the government of any province in Canada or any agency of any such government to provide for an exchange or joint collection of statistical information.

Agreements

(3) Every agreement proposed under subsection 2 shall be in writing and filed with the Minister before submission to the Lieutenant Governor in Council.

Report

(4) The Minister shall submit a report to the Lieutenant Governor in Council on every agreement proposed under subsection 2.

By-laws

7. The Bureau may make such by-laws as are considered expedient for its constitution and the administration of its affairs, and may do such other things as are considered necessary or advisable to carry out its objects.

8. The Bureau shall make a report annually to the Minister ^{Annual report} who shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

9. The questions in any questionnaire authorized under ^{Questions to be answered} this Act shall be accurately and truthfully answered by each person to whom the questionnaire is directed and shall be returned to the minister who issued it.

10.—(1) No person shall collect, compile, analyze or publish ^{Oath of office and secrecy} statistical information under this Act until he takes and subscribes before his minister, his deputy minister, or a person designated in writing by either of them, an oath of office and secrecy in the following form:

I,, do swear that I will faithfully discharge my duties under *The Ontario Bureau of Statistics Act, 1973* and, except as I may be legally required, I will not disclose or give to any person any information or document that comes to my knowledge or possession by reason of my duties under *The Ontario Bureau of Statistics Act, 1973*. So help me God.

(2) Subject to section 12, no public servant having knowledge of the answers to questions asked in a questionnaire under this Act shall disclose or give to any person any information or document with respect to such answers without the written permission of his minister, and, except where statistical information is collected jointly under this Act, such permission shall be limited to the disclosing or giving of information or documents to public servants in the ministry of the minister or in prosecutions instituted for offences against this Act. ^{No unauthorized disclosure}

(3) Notwithstanding anything in this Act, no minister or public servant shall, in any way, use the answers to questions asked in a questionnaire authorized under this Act for any purpose other than the purposes of this Act. ^{Answers to be confidential}

(4) No person who collects, compiles, analyzes or publishes statistical information under this Act is personally liable for anything done by him under the authority of this Act. ^{No personal liability}

11.—(1) No person, when acting under the authority of this Act, shall discriminate between persons to the prejudice of any person. ^{No discrimination}

(2) Nothing in this section prohibits the collection of ^{Sampling permitted} statistical information by means of sampling.

Disclosure
of informa-
tion to
another
ministry

12.—(1) Where a person who has answered a question in a questionnaire consents in writing, a minister may give permission to a public servant in his ministry who has knowledge of the answer to disclose or give the answer to one or more public servants in another ministry.

Indexes,
etc.,
excepted

(2) Subsection 1 does not apply to an index or list, whether released separately or in a report, summary of statistics or other publication under this Act, of answers to the questions in a questionnaire revealing only,

- (a) the names and locations of individual firms or businesses; or
- (b) the types of products commercially produced, manufactured or dealt with by individual firms or businesses,

but no such list or index shall otherwise disclose any of the answers given to the questions in a questionnaire.

Offences:
failure
to give
answers;
false
answers

13. Any person who,

- (a) being required under the authority of this Act to answer any question in a questionnaire and to return it to the minister who issued it, fails to answer, without lawful excuse, any such question or to return the questionnaire within the time prescribed; or
- (b) wilfully gives a false answer to any such question,

is, for every day of such failure or for every false answer, guilty of an offence and on summary conviction is liable to a fine of not more than \$100 or to imprisonment for a term of not more than three months, or to both.

Offences:
obtaining
unauthorized
information;
unauthorized
disclosure

14. Any person who,

- (a) in the pretended performance of his duties under this Act, obtains or seeks to obtain information that he is not duly authorized to obtain; or
- (b) discloses or gives any information or document to any person in contravention of subsection 2 of section 10,

is guilty of an offence and on summary conviction is liable to a fine of not more than \$300 or to imprisonment for a term of not more than six months, or to both.

15. Any person who,

- (a) discloses or gives any information or document respecting an answer to a question in a questionnaire authorized under this Act to any person with the intent that the market value of a product is thereby affected; or
- (b) uses an answer in any such questionnaire for the purpose of speculating in a product,

Offences:
affecting
market
value;
speculating

is guilty of an offence and on summary conviction is liable to a fine of not more than \$5,000 or to imprisonment for a term of not more than five years, or to both.

16. The Lieutenant Governor in Council may make regulations,

- (a) prescribing the manner in which information shall be collected, compiled, analyzed or published under this Act;
- (b) prescribing forms and providing for their use.

17. *The Statistics Act*, being chapter 443 of the Revised Statutes of Ontario, 1970, is repealed. R.S.O. 1970,
c. 443,
repealed

18. This Act comes into force on the day it receives Royal Assent. Commencement

19. This Act may be cited as *The Ontario Bureau of Statistics Act, 1973*. Short title

An Act to establish
The Ontario Bureau of Statistics

1st Reading

March 27th, 1973

2nd Reading

3rd Reading

MRS. SCRIVENER

(Private Member's Bill)

A20N

B

B 56

BILL 62

Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Charitable Institutions Act

THE HON. R. BRUNELLE
Minister of Community and Social Services



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTION 1.—Subsection 1. The definition of “charitable institution” is amended to include part of a building.

Subsection 2. The definition of “Director” is amended in recognition of the fact that there are now several Directors each administering separate programs under the Act.

Subsection 3. The amendment provides a Director with the power of inspection under section 8 of the Act.

SECTIONS 2 AND 3. The amendments provide for approvals by the Minister rather than by the Lieutenant Governor in Council.

An Act to amend The Charitable Institutions Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Clause *c* of section 1 of *The Charitable Institutions Act*,^{s.1(c), amended} being chapter 62 of the Revised Statutes of Ontario, 1970, is amended by inserting after “means” in the first line “all or any part of”.
- (2) Clause *d* of the said section 1, as re-enacted by the^{s.1(d), re-enacted} Statutes of Ontario, 1972, chapter 61, section 1, is repealed and the following substituted therefor:
 - (d) “Director” means a Director appointed for the purposes of this Act.
- (3) Clause *g* of the said section 1 is amended by striking^{s.1(g), amended} out “or” in the second line and inserting after “supervisor” in the second line “or a Director”, and by striking out “Department of Social and Family Services” in the third and fourth lines and inserting in lieu thereof “Ministry of Community and Social Services”.
2. Section 2 of the said Act, as re-enacted by the Statutes of^{s.2, amended} Ontario, 1971, chapter 50, section 16, is amended by striking out “Lieutenant Governor in Council” in the first line and inserting in lieu thereof “Minister”.
3. Section 3 of the said Act, as re-enacted by the Statutes of^{s.3, re-enacted} Ontario, 1971, chapter 50, section 16 and amended by 1972, chapter 61, section 2, is repealed and the following substituted therefor:
 - 3.—(1) Subject to section 3a, where the Minister is satisfied^{Approval of buildings} that all or any part of a building or buildings is suitable for providing accommodation as a charitable institution in accordance with this Act and the regulations, he may approve all or any part of such building or buildings, as the case

may be, as a member of a class of charitable institutions prescribed in the regulations for the maintenance and operation of which assistance may be given under this Act.

Effective date of approval

(2) An approval given under subsection 1 or under section 2 may take effect on any date fixed by the Minister that is prior to the date on which the approval is given, but in no case shall the date upon which the approval under subsection 1 takes effect precede the date that the approval given under section 2 to the corporation maintaining and operating the institution takes effect.

s. 4(1)(a), repealed

4.—(1) Clause *a* of subsection 1 of section 4 of the said Act is repealed.

s. 4(1)(d), amended

(2) Clause *d* of subsection 1 of the said section 4 is amended by inserting after “building” in the first line “or part thereof”.

s. 4(1)(e), amended

(3) Clause *e* of subsection 1 of the said section 4, as amended by the Statutes of Ontario, 1972, chapter 61, section 4, is further amended by inserting after “site” in the first line “or use”.

s. 5(a), amended

5.—(1) Clause *a* of section 5 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 61, section 5, is further amended by inserting after “where” in the first line “all or any part of” and by striking out “building or the addition” in the fourth line and in the sixth and seventh lines and inserting in lieu thereof in each instance “charitable institution”.

s. 5(b), amended

(2) Clause *b* of the said section 5, as amended by the Statutes of Ontario, 1972, chapter 61, section 5, is further amended by inserting after “where” in the first line “all or any part of” and by striking out “building or the addition” in the third and fourth lines, “building” in the sixth line and “building or the addition” in the tenth and eleventh lines and inserting in lieu thereof in each instance “hostel”.

s. 6, re-enacted

6. Section 6 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 61, section 6, is repealed and the following substituted therefor:

6. Where,

(*a*) the acquisition or structural alteration of a building or any part thereof to be used as a charitable institution other than a hostel has been approved by

Grants for acquisition of buildings

SECTION 4.—Subsection 1. Self-explanatory.

Subsection 2. The amendment is consistent with the change in section 1 of the Act.

Subsection 3. The amendment requires that the Minister approve of a change in the use of a charitable institution.

SECTION 5. The amendment is consistent with the change in section 1 of the Act.

SECTION 6. The amendment provides for the payment of capital grants for alterations or renovations to an institution or for the purchasing of furnishings and equipment.

SECTION 7. The amendment provides for the payment of subsidies for residential services approved by the Director provided in other than approved institutions.

SECTION 8. The amendment provides for the inspection of premises at all reasonable times rather than once a year.

the Minister under clause *d* or *e*, as the case may be, of subsection 1 of section 4; or

(b) the Minister has approved the renovation of a charitable institution other than a hostel or approved the purchase of furnishings or equipment in connection with an approved charitable institution other than a hostel,

the Minister may, out of the moneys that are appropriated therefor by the Legislature, direct payment to the approved corporation acquiring or operating and maintaining the institution, as the case may be, of an amount equal to the cost to the approved corporation of the acquisition, alteration, renovation or purchase of furnishings or equipment, as the case may be, computed in accordance with the regulations, but not exceeding an amount based upon the bed capacity of the institution at the rate of \$1,200 per bed or such greater amount per bed as is prescribed by the regulations.

7. Section 7 of the said Act, as amended by the Statutes of Ontario, ^{s. 7, re-enacted} 1972, chapter 61, section 7, is repealed and the following substituted therefor:

7. There shall be paid to an approved corporation out of the moneys appropriated therefor by the Legislature an amount equal to 80 per cent or such higher percentage as the regulations prescribe of the cost, computed in accordance with the regulations,

(a) of the care and maintenance of each person resident in an approved charitable institution other than a hostel that is maintained and operated by the corporation; or

(b) of residential services approved by the Director provided by or on behalf of the corporation in other than an approved charitable institution.

8. Subsection 1 of section 8 of the said Act is repealed and the following substituted therefor:

(1) Every charitable institution, its books and records shall be open at all reasonable times for inspection by a provincial supervisor.

(1a) Every premises, that is not a charitable institution, where residential services are provided or where residential services are to be provided for persons placed therein by an approved corporation, shall be open at all reasonable times for inspection by a provincial supervisor.

s. 9(1),
amended

9.—(1) Subsection 1 of section 9 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 50, section 16, is amended by striking out “by the Minister or revoked by the Lieutenant Governor in Council on the recommendation of the Minister” in the second, third and fourth lines and inserting in lieu thereof “or revoked by the Minister”.

s. 9(2),
amended

(2) Subsection 2 of the said section 9 is amended by striking out “before recommending to the Lieutenant Governor in Council revocation of” in the fourth and fifth lines and inserting in lieu thereof “revoking” and by striking out “Department of Social and Family Services” in the ninth and tenth lines and inserting in lieu thereof “Ministry of Community and Social Services”.

s. 9(5),
amended

(3) Subsection 5 of the said section 9 is amended by striking out “recommend revocation of” in the third line and inserting in lieu thereof “revoke”.

s. 10(a),
re-enacted

10.—(1) Clause *a* of section 10 of the said Act is repealed and the following substituted therefor:

(a) exempting designated approved corporations or charitable institutions from specified provisions of the Act or the regulations.

s. 10(b),
amended

(2) Clause *b* of the said section 10, as re-enacted by the Statutes of Ontario, 1972, chapter 61, section 9, is amended by striking out “specified” in the first line and in the seventh line.

s. 10(c),
amended

(3) Clause *c* of the said section 10 is amended by striking out “or specified charitable institutions” in the second and third lines.

s. 10(g),
re-enacted

(4) Clause *g* of the said section 10, as amended by the Statutes of Ontario, 1972, chapter 61, section 9, is repealed and the following substituted therefor:

(g) prescribing the manner of computing the cost to approved corporations, and prescribing classes of payments and a greater amount per bed in determining the amount of a payment or any class or classes of payment for the purposes of sections 5 and 6.

s. 10(h),
re-enacted

(5) Clause *h* of the said section 10, as re-enacted by the Statutes of Ontario, 1972, chapter 61, section 9, is repealed and the following substituted therefor:

SECTION 9. The amendment provides for approvals by the Minister rather than by the Lieutenant Governor in Council.

SECTION 10.—Subsection 1. The amendment eliminates the specification of corporations and institutions that are approved under the Act in schedules under the regulations and enables specific corporations and institutions to be exempted from the provisions of specified sections of the regulations.

Subsections 2 and 3. The amendment is consistent with the changes in subsection 1.

Subsection 4. The amendment permits different classes of capital payments.

Subsection 5. The amendment proposes to authorize by regulation the payment of subsidies, subject to certain terms and conditions for residential services provided in other than approved institutions.

- (h) for the purposes of section 7, prescribing the manner of computing the cost of care and maintenance in a charitable institution other than a hostel, and the cost of residential services provided in other than an approved charitable institution, prescribing classes of payments and a higher percentage in respect of the cost for the purpose of determining the amount of a payment or a class or classes of payment, and prescribing the maximum amounts of the cost to which Ontario may contribute.
- (6) The said section 10, as amended by the Statutes of Ontario, ^{s. 10, amended} 1971, chapter 50, section 16 and 1972, chapter 61, section 9, is further amended by adding thereto the following clause:

- (he) for the purposes of section 7, prescribing the terms and conditions upon which the Director may approve the provision of residential services by or on behalf of an approved corporation in other than an approved charitable institution, the classes or levels of such services, the services, items and amenities to be provided in connection therewith, and the maximum amounts that may be charged persons in receipt of the residential services.

- 11.** This Act comes into force on the day it receives Royal Assent. Commencement
- 12.** This Act may be cited as *The Charitable Institutions Amendment Act, 1973.* Short title

An Act to amend
The Charitable Institutions Act

1st Reading

March 27th, 1973

2nd Reading

3rd Reading

THE HON. R. BRUNELLE
Minister of Community and
Social Services

(Government Bill)

CA20N

XB

-B 56

BILL 62

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Charitable Institutions Act

THE HON. R. BRUNELLE
Minister of Community and Social Services

TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

An Act to amend The Charitable Institutions Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Clause *c* of section 1 of *The Charitable Institutions Act*,^{s.1(c), amended} being chapter 62 of the Revised Statutes of Ontario, 1970, is amended by inserting after “means” in the first line “all or any part of”.
- (2) Clause *d* of the said section 1, as re-enacted by the^{s.1(d), re-enacted} Statutes of Ontario, 1972, chapter 61, section 1, is repealed and the following substituted therefor:
 - (d) “Director” means a Director appointed for the purposes of this Act.
- (3) Clause *g* of the said section 1 is amended by striking^{s.1(g), amended} out “or” in the second line and inserting after “supervisor” in the second line “or a Director”, and by striking out “Department of Social and Family Services” in the third and fourth lines and inserting in lieu thereof “Ministry of Community and Social Services”.
2. Section 2 of the said Act, as re-enacted by the Statutes of^{s.2, amended} Ontario, 1971, chapter 50, section 16, is amended by striking out “Lieutenant Governor in Council” in the first line and inserting in lieu thereof “Minister”.
3. Section 3 of the said Act, as re-enacted by the Statutes of^{s.3, re-enacted} Ontario, 1971, chapter 50, section 16 and amended by 1972, chapter 61, section 2, is repealed and the following substituted therefor:
 - 3.—(1) Subject to section 3a, where the Minister is satisfied^{Approval of buildings} that all or any part of a building or buildings is suitable for providing accommodation as a charitable institution in accordance with this Act and the regulations, he may approve all or any part of such building or buildings, as the case

may be, as a member of a class of charitable institutions prescribed in the regulations for the maintenance and operation of which assistance may be given under this Act.

Effective date of approval

(2) An approval given under subsection 1 or under section 2 may take effect on any date fixed by the Minister that is prior to the date on which the approval is given, but in no case shall the date upon which the approval under subsection 1 takes effect precede the date that the approval given under section 2 to the corporation maintaining and operating the institution takes effect.

s. 4(1)(a), repealed

4.—(1) Clause *a* of subsection 1 of section 4 of the said Act is repealed.

s. 4(1)(d), amended

(2) Clause *d* of subsection 1 of the said section 4 is amended by inserting after “building” in the first line “or part thereof”.

s. 4(1)(e), amended

(3) Clause *e* of subsection 1 of the said section 4, as amended by the Statutes of Ontario, 1972, chapter 61, section 4, is further amended by inserting after “site” in the first line “or use”.

s. 5(a), amended

5.—(1) Clause *a* of section 5 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 61, section 5, is further amended by inserting after “where” in the first line “all or any part of” and by striking out “building or the addition” in the fourth line and in the sixth and seventh lines and inserting in lieu thereof in each instance “charitable institution”.

s. 5(b), amended

(2) Clause *b* of the said section 5, as amended by the Statutes of Ontario, 1972, chapter 61, section 5, is further amended by inserting after “where” in the first line “all or any part of” and by striking out “building or the addition” in the third and fourth lines, “building” in the sixth line and “building or the addition” in the tenth and eleventh lines and inserting in lieu thereof in each instance “hostel”.

s. 6, re-enacted

6. Section 6 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 61, section 6, is repealed and the following substituted therefor:

6. Where,

(a) the acquisition or structural alteration of a building or any part thereof to be used as a charitable institution other than a hostel has been approved by

Grants for acquisition of buildings

the Minister under clause *d* or *e*, as the case may be, of subsection 1 of section 4; or

- (b) the Minister has approved the renovation of a charitable institution other than a hostel or approved the purchase of furnishings or equipment in connection with an approved charitable institution other than a hostel,

the Minister may, out of the moneys that are appropriated therefor by the Legislature, direct payment to the approved corporation acquiring or operating and maintaining the institution, as the case may be, of an amount equal to the cost to the approved corporation of the acquisition, alteration, renovation or purchase of furnishings or equipment, as the case may be, computed in accordance with the regulations, but not exceeding an amount based upon the bed capacity of the institution at the rate of \$1,200 per bed or such greater amount per bed as is prescribed by the regulations.

7. Section 7 of the said Act, as amended by the Statutes of Ontario, ^{s. 7, re-enacted} 1972, chapter 61, section 7, is repealed and the following substituted therefor:

7. There shall be paid to an approved corporation out of the moneys appropriated therefor by the Legislature an amount equal to 80 per cent or such higher percentage as the regulations prescribe of the cost, computed in accordance with the regulations,

- (a) of the care and maintenance of each person resident in an approved charitable institution other than a hostel that is maintained and operated by the corporation; or
- (b) of residential services approved by the Director provided by or on behalf of the corporation in other than an approved charitable institution.

8. Subsection 1 of section 8 of the said Act is repealed and the following substituted therefor:

(1) Every charitable institution, its books and records shall be open at all reasonable times for inspection by a provincial supervisor.

(1a) Every premises, that is not a charitable institution, where residential services are provided or where residential services are to be provided for persons placed therein by an approved corporation, shall be open at all reasonable times for inspection by a provincial supervisor.

s. 9(1),
amended

9.—(1) Subsection 1 of section 9 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 50, section 16, is amended by striking out “by the Minister or revoked by the Lieutenant Governor in Council on the recommendation of the Minister” in the second, third and fourth lines and inserting in lieu thereof “or revoked by the Minister”.

s. 9(2),
amended

(2) Subsection 2 of the said section 9 is amended by striking out “before recommending to the Lieutenant Governor in Council revocation of” in the fourth and fifth lines and inserting in lieu thereof “revoking” and by striking out “Department of Social and Family Services” in the ninth and tenth lines and inserting in lieu thereof “Ministry of Community and Social Services”.

s. 9(5),
amended

(3) Subsection 5 of the said section 9 is amended by striking out “recommend revocation of” in the third line and inserting in lieu thereof “revoke”.

s. 10(a),
re-enacted

10.—(1) Clause *a* of section 10 of the said Act is repealed and the following substituted therefor:

(*a*) exempting designated approved corporations or charitable institutions from specified provisions of the Act or the regulations.

s. 10(b),
amended

(2) Clause *b* of the said section 10, as re-enacted by the Statutes of Ontario, 1972, chapter 61, section 9, is amended by striking out “specified” in the first line and in the seventh line.

s. 10(c),
amended

(3) Clause *c* of the said section 10 is amended by striking out “or specified charitable institutions” in the second and third lines.

s. 10(g),
re-enacted

(4) Clause *g* of the said section 10, as amended by the Statutes of Ontario, 1972, chapter 61, section 9, is repealed and the following substituted therefor:

(*g*) prescribing the manner of computing the cost to approved corporations, and prescribing classes of payments and a greater amount per bed in determining the amount of a payment or any class or classes of payment for the purposes of sections 5 and 6.

s. 10(h),
re-enacted

(5) Clause *h* of the said section 10, as re-enacted by the Statutes of Ontario, 1972, chapter 61, section 9, is repealed and the following substituted therefor:

- (h) for the purposes of section 7, prescribing the manner of computing the cost of care and maintenance in a charitable institution other than a hostel, and the cost of residential services provided in other than an approved charitable institution, prescribing classes of payments and a higher percentage in respect of the cost for the purpose of determining the amount of a payment or a class or classes of payment, and prescribing the maximum amounts of the cost to which Ontario may contribute.

(6) The said section 10, as amended by the Statutes of Ontario, ^{s. 10, amended} 1971, chapter 50, section 16 and 1972, chapter 61, section 9, is further amended by adding thereto the following clause:

- (he) for the purposes of section 7, prescribing the terms and conditions upon which the Director may approve the provision of residential services by or on behalf of an approved corporation in other than an approved charitable institution, the classes or levels of such services, the services, items and amenities to be provided in connection therewith, and the maximum amounts that may be charged persons in receipt of the residential services.

11. This Act comes into force on the day it receives Royal Assent. Commencement

12. This Act may be cited as *The Charitable Institutions Amendment Act, 1973.* Short title

An Act to amend
The Charitable Institutions Act

1st Reading

March 27th, 1973

2nd Reading

May 15th, 1973

3rd Reading

May 15th, 1973

THE HON. R. BRUNELLE
Minister of Community and
Social Services



CA2ON
KB
B 56

Bill 63
BILL 63

Private Member's Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Highway Traffic Act

MR. BURR



TORONTO
PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

This amendment extends the definition of "highway" to include privately-owned parking lots where no fee is charged for parking, such as shopping centres.

BILL 63

1973

**An Act to amend
The Highway Traffic Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Paragraph 11 of subsection 1 of section 1 of *The Highway Traffic Act*, being chapter 202 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

11. "highway" includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, designed and intended for, or used by, the general public for the passage of vehicles and a privately-owned parking lot upon which the public is invited to park vehicles without charge.

2. This Act comes into force on the day it receives Royal Assent. Commencement
3. This Act may be cited as *The Highway Traffic Amendment Act*, Short title 1973.

An Act to amend
The Highway Traffic Act

1st Reading

March 28th, 1973

2nd Reading

3rd Reading

MR. BURR

(*Private Member's Bill*)

CA2ON

XB

-B56

BILL 64

Private Member's Bill

Government
Publications

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

**An Act to relieve Persons from
Liability in respect of Voluntary
Emergency Medical and First Aid Services**

MR. HAGGERTY



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The purpose of this Bill is to relieve persons from liability in respect of voluntary emergency first aid assistance or medical services rendered at or near the scene of an accident or other sudden emergency.

BILL 64

1973

**An Act to relieve Persons from
Liability in respect of Voluntary
Emergency Medical and First Aid Services**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "physician" means a legally qualified medical practitioner;
- (b) "registered nurse" means a person who is registered as a nurse under *The Nurses Act*.

R.S.O. 1970,
c. 301

2. Where, in respect of a person who is ill, injured or unconscious as the result of an accident or other sudden emergency,

Relief from
liability for
damages

- (a) a physician or registered nurse voluntarily and without expectation of compensation or reward renders emergency medical services or first aid assistance and such services or assistance are not rendered at a hospital or other place having adequate medical facilities and equipment; or
- (b) a person other than a person mentioned in clause *a* voluntarily renders emergency first aid assistance and such assistance is rendered at the immediate scene of the accident or emergency,

the physician, registered nurse or other person shall not be liable for damages for injuries to or the death of such person alleged to have been caused by an act or omission on his part in rendering the medical services or first aid assistance, unless such acts constitute wilful or wanton misconduct on his part.

3. Nothing in section 2 shall be deemed to relieve a physician from liability for damages for injuries to or the death of any

Act does
not apply
to normal
medical
services

person caused by an act or omission on the part of the physician in respect of medical services rendered by him in the normal and ordinary course of his practice and not under the circumstances set forth in section 2.

Commencement

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Good Samaritan Act, 1973.*

An Act to relieve Persons from Liability in
respect of Voluntary Emergency Medical
and First Aid Services

1st Reading

March 28th, 1973

2nd Reading

3rd Reading

MR. HAGGERTY

(*Private Member's Bill*)

CAZON

X B

-B 56

BILL 65

Private Member's Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

Government
Publications

**An Act to provide for the Establishment
of Safety Committees**

MR. HAGGERTY



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

Self-explanatory.

BILL 65

1973

**An Act to provide
for the Establishment of Safety Committees**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, "Minister" means the Minister of Labour. Interpre-
tation
2. Every industry shall establish a safety committee which ^{Safety committee} shall have equal representation from both the employers and ^{established} employees in the industry.
3. Every safety committee, upon the request of the ^{Duties of} ^{safety committee} Minister, shall advise him respecting the safety of workers in the industry which it represents and, without restricting the generality of the foregoing, inquire into and advise him upon any laws respecting the safety of workers in the industry with a view to the improvement, clarification or extension of the existing laws or the enactment of new laws or inquire into and advise him upon any matter designed to co-ordinate the functions of all bodies concerned with the safety of workers.
4. Where an accident or injury occurs on a job site, the ^{Notification} ^{where} ^{accident or injury} foreman or person in charge of the job site shall forthwith notify the safety committee representing the particular industry that an accident or injury has occurred.
5. Where a safety committee receives a report concerning ^{Idem} an accident or injury on a job site, the committee shall report in writing to the Minister that an accident or injury has occurred and outline any recommendations it may have as to the future prevention of a similar accident or injury.
6. This Act comes into force on the day it receives Royal ^{Commencement} Assent.
7. This Act may be cited as *The Safety Committees Act*, ^{Short title} 1973.

An Act to provide for the
Establishment of Safety Committees

1st Reading

March 28th, 1973

2nd Reading

3rd Reading

MR. HAGGERTY

(Private Member's Bill)

CA20N

XB

-B 56

BILL 66

Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

**An Act to amend
The Forest Fires Prevention Act**

THE HON. L. BERNIER
Minister of Natural Resources

TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTION 1. The amendment corrects an internal reference.

SECTION 2. The amendment brings section 19 of the Act into line with section 21 of the Act.

BILL 66

1973

**An Act to amend
The Forest Fires Prevention Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 5 of *The Forest Fires Prevention Act*,^{s.5(2), amended} being chapter 179 of the Revised Statutes of Ontario, 1970, is amended by striking out "14" in the third line and inserting in lieu thereof "16".

2. Section 19 of the said Act is repealed and the following substituted^{s.19, re-enacted} therefor:

19. The Minister and the Crown in right of Canada or any ^{Agreements for fire} province of Canada, any agency of any of them or any municipality ^{and control} may enter into an agreement with respect to the prevention and control of grass, brush or forest fires.

3.—(1) This Act, except section 1, comes into force on the day it ^{Commencement} receives Royal Assent.

(2) Section 1 shall be deemed to have come into force on the 1st^{Idem} day of September, 1971.

4. This Act may be cited as *The Forest Fires Prevention Amendment Act, 1973.*^{Short title}

An Act to amend
The Forest Fires Prevention Act

1st Reading

March 28th, 1973

2nd Reading

3rd Reading

THE HON. L. BERNIER
Minister of Natural Resources

(Government Bill)

3rd. Legislature Act

CA20N

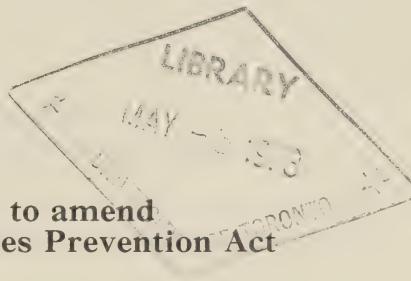
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-B 56

BILL 66

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

**An Act to amend
The Forest Fires Prevention Act**



THE HON. L. BERNIER
Minister of Natural Resources

TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

BILL 66

1973

**An Act to amend
The Forest Fires Prevention Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 5 of *The Forest Fires Prevention Act*,<sup>s. 5 (2),
being chapter 179 of the Revised Statutes of Ontario, 1970,
is amended by striking out "14" in the third line and inserting
in lieu thereof "16".</sup>

2. Section 19 of the said Act is repealed and the following substituted^{s. 19, re-enacted} therefor:

19. The Minister and the Crown in right of Canada or any province of Canada, any agency of any of them or any municipality may enter into an agreement with respect to the prevention and control of grass, brush or forest fires.

3.—(1) This Act, except section 1, comes into force on the day it receives Royal Assent.

(2) Section 1 shall be deemed to have come into force on the 1st^{Idem} day of September, 1971.

4. This Act may be cited as *The Forest Fires Prevention Amendment Act, 1973.*

An Act to amend
The Forest Fires Prevention Act

1st Reading

March 28th, 1973

2nd Reading

April 3rd, 1973

3rd Reading

April 3rd, 1973

THE HON. L. BERNIER
Minister of Natural Resources

CAZON

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-B 56

BILL 67

Private Member's Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

Government
of Ontario
Publications

**An Act to provide for Fair Practices
in the Sale of Motor Vehicle Fuel**

MR. DEACON



TORONTO
PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The purpose of the Bill is to prevent the retailer of motor vehicle fuel from misleading the consumer as to the price and origin of the motor vehicle fuel sold by him, and to ensure that the cost of promotions and giveaways shall not be a burden on the retailer.

BILL 67

1973

**An Act to provide for Fair Practices
in the Sale of Motor Vehicle Fuel**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, "motor vehicle fuel" means any gas or liquid produced, prepared or compounded for the purpose of generating power by means of internal combustion or that may be used for such purpose, but does not include aviation fuel or the products commonly known as fuel oil, coal oil or kerosene, except when any such product is mixed or combined with motor vehicle fuel.
2. Every retail dealer in motor vehicle fuel shall display and maintain in a conspicuous place on each pump or other equipment for dispensing motor vehicle fuel and on all above ground containers, tanks or equipment for storing motor vehicle fuel, a conspicuous sign stating,
 - (a) the price per gallon of the motor vehicle fuel, including tax; and
 - (b) the refinery origin of the motor vehicle fuel.
3. No retailer of motor vehicle fuel shall permit delivery of motor vehicle fuel into any container, tank or equipment, other than motor vehicle fuel originating at the refinery stated on the sign appearing on such container, tank, equipment or on dispensing equipment attached to such container, tank or equipment.
4. No retailer shall for the purpose of promoting the sale of motor vehicle fuel offer or provide directly or indirectly any service or any article other than motor vehicle fuel at less than cost or at a discount or rebate on the prevailing price of any service or any article other than motor vehicle fuel, where such service or article is normally sold by another retailer within his trading area.

Retailer to receive promotional items **5.** A retailer shall receive from the oil company, or other supplier which advertises its brand name products to the public, at no cost to the retailer, any articles, tickets, chances, gifts, bonuses, premiums or other promotional items or services the retailer may require to enable the retailer to play his part as advertised in any brand or product promotion.

Contracts **6.** A provision of a contract entered into before or after this Act comes into force which is contrary to the provisions of this Act is void.

Regulations **7.** The Lieutenant Governor in Council may make regulations prescribing the size, type and method of attachment of signs.

Offence **8.** Every person who contravenes any provision of this Act is guilty of an offence and on summary conviction is liable to a fine of not more than \$25,000.

Commencement **9.** This Act comes into force on the day it receives Royal Assent.

Short title **10.** This Act may be cited as *The Motor Vehicle Fuel Fair Practices Act, 1973.*

An Act to provide for
Fair Practices in the Sale
of Motor Vehicle Fuel

1st Reading

March 28th, 1973

2nd Reading

3rd Reading

MR. DEACON

(*Private Member's Bill*)

CAZON
XB

-B 56

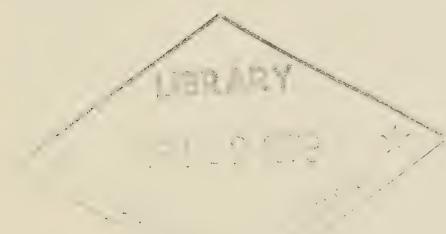
BILL 68

Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

**An Act to repeal
The Banting and Best Medical
Research Act, 1923**

THE HON. R. T. POTTER
Minister of Health



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The Act repealed provides for payment of \$10,000 annually out of the Consolidated Revenue Fund to The Banting and Best Research Fund. The repeal removes the grant as a statutory item for inclusion in the estimates in the normal manner.

BILL 68**1973**

**An Act to repeal
The Banting and Best Medical
Research Act, 1923**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.** *The Banting and Best Medical Research Act, 1923*, being ^{Repeal} chapter 56, is repealed.
- 2.** This Act comes into force on a day to be named by the ^{Commencement} Lieutenant Governor by his proclamation.
- 3.** This Act may be cited as *The Banting and Best Medical Research Repeal Act, 1973*. ^{Short title}

An Act to repeal
The Banting and Best Medical
Research Act, 1923

1st Reading

March 29th, 1973

2nd Reading

3rd Reading

THE HON. R. T. POTTER
Minister of Health

(*Government Bill*)

CA2ON

XB

-B 56

BILL 68

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

**An Act to repeal
The Banting and Best Medical
Research Act, 1923**



THE HON. R. T. POTTER
Minister of Health

TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

BILL 68**1973**

**An Act to repeal
The Banting and Best Medical
Research Act, 1923**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.** *The Banting and Best Medical Research Act, 1923*, being ^{Repeal} chapter 56, is repealed.
- 2.** This Act comes into force on a day to be named by the ^{Commencement} Lieutenant Governor by his proclamation.
- 3.** This Act may be cited as *The Banting and Best Medical* ^{Short title} *Research Repeal Act, 1973*.

An Act to repeal
The Banting and Best Medical
Research Act, 1923

1st Reading

March 29th, 1973

2nd Reading

May 22nd, 1973

3rd Reading

May 22nd, 1973

THE HON. R. T. POTTER
Minister of Health

CA20N

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-B 56

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BILL 69

Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

*Government
Publication*

An Act to amend The Nurses Act

THE HON. R. T. POTTER
Minister of Health



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTION 1. Membership in the College of Nurses of Ontario is widened to include persons registered as nursing assistants under the Act.

SECTION 2. The composition of the Council is changed to provide for the appointment of persons who are not registered nurses or registered nursing assistants and to provide for the election of members by the registered nursing assistants in Ontario.

SECTION 3. Subsection 1. The new clause *a* provides for the making of regulations governing the composition and election of the elected portion of the Council.

BILL 69

1973

**An Act to amend
The Nurses Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 2 of *The Nurses Act*, being chapter 301<sup>s. 2 (2),
re-enacted</sup> of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

(2) Every registered nurse and every registered nursing^{Members} assistant is a member of the College.

2. Section 3 of the said Act is repealed and the following substituted therefor:<sup>s. 3,
re-enacted</sup>

3. The affairs of the College shall be administered by the^{Council} Council, which shall be composed as follows:

(a) three persons who are not members of the College, and who are appointed by the Lieutenant Governor in Council;

(b) registered nurses in Ontario elected by the registered nurses in Ontario in accordance with the regulations;

(c) registered nursing assistants in Ontario elected by the registered nursing assistants in Ontario in accordance with the regulations.

3.—(1) Clause *a* of section 5 of the said Act is repealed and the following substituted therefor:<sup>s. 5 (a),
re-enacted</sup>

(a) subject to section 3, governing the composition of the Council, including the numbers, procedures for election and terms of office of the members to be elected.

s. 5,
amended

(2) The said section 5 is amended by adding thereto the following subsection:

Regulations,
effective
date

R.S.O. 1970,
c. 410

(2) Any regulation made under clause *a* of subsection 1 and filed under *The Regulations Act* in the year 1973 may be retroactive in its application and may provide that it comes into force on a day not earlier than the 1st day of January, 1973.

Commencement

4.—(1) This Act, except section 2, shall be deemed to have come into force on the 1st day of January, 1973.

Idem

(2) Section 2 comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

5. This Act may be cited as *The Nurses Amendment Act, 1973.*

Subsection 2. Complementary to subsection 1.

An Act to amend
The Nurses Act

1st Reading

March 29th, 1973

2nd Reading

3rd Reading

THE HON. R. T. POTTER
Minister of Health

(Government Bill)

CA20N

XB

-B 56

BILL 69

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Nurses Act

THE HON. R. T. POTTER
Minister of Health

TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

**An Act to amend
The Nurses Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 2 of *The Nurses Act*, being chapter 301<sup>s. 2 (2),
re-enacted</sup> of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:
 - (2) Every registered nurse and every registered nursing^{Members} assistant is a member of the College.
2. Section 3 of the said Act is repealed and the following sub-<sup>s. 3,
re-enacted</sup>stituted therefor:
 3. The affairs of the College shall be administered by the^{Council} Council, which shall be composed as follows:
 - (a) three persons who are not members of the College, and who are appointed by the Lieutenant Governor in Council;
 - (b) registered nurses in Ontario elected by the registered nurses in Ontario in accordance with the regulations;
 - (c) registered nursing assistants in Ontario elected by the registered nursing assistants in Ontario in accordance with the regulations.
- 3.—(1) Clause *a* of section 5 of the said Act is repealed and the<sup>s. 5 (a),
re-enacted</sup> following substituted therefor:
 - (a) subject to section 3, governing the composition of the Council, including the numbers, procedures for election and terms of office of the members to be elected.

s. 5,
amended

(2) The said section 5 is amended by adding thereto the following subsection:

Regulations,
effective
date

R.S.O. 1970,
c. 410

(2) Any regulation made under clause *a* of subsection 1 and filed under *The Regulations Act* in the year 1973 may be retroactive in its application and may provide that it comes into force on a day not earlier than the 1st day of January, 1973.

Commencement

4.—(1) This Act, except section 2, shall be deemed to have come into force on the 1st day of January, 1973.

Idem

(2) Section 2 comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

5. This Act may be cited as *The Nurses Amendment Act, 1973*.

An Act to amend
The Nurses Act

1st Reading

March 29th, 1973

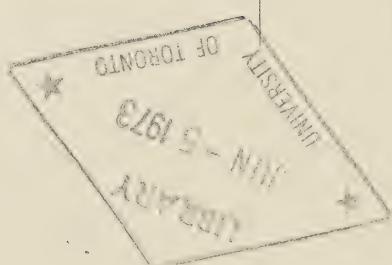
2nd Reading

May 22nd, 1973

3rd Reading

May 22nd, 1973

THE HON. R. T. POTTER
Minister of Health



CAZON

X B. St. John's Assembly
-B 56

BILL 70

Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

1973
1973

An Act to amend The Nursing Homes Act, 1972

THE HON. R. T. POTTER
Minister of Health



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTION 1. The Bill provides for the refusal of a licence where it is not in the public interest to permit the establishment, operation or maintenance of a nursing home in a particular area.

The Bill also provides, upon an application for a licence, for the setting of a maximum limit on the total bed capacity of a nursing home where it is in the public interest to set such a maximum limit.

The Bill sets out the matters to be taken into account by the Minister in considering whether a refusal or limitation is in the public interest.

**An Act to amend
The Nursing Homes Act, 1972**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 4 of *The Nursing Homes Act, 1972*, being chapter ^{s. 4.} ~~amended~~ 11, is amended by adding thereto the following subsections:

(1a) Notwithstanding subsection 1, where an application is made for a licence under this Act and the Minister states in writing to the Director that it is not in the public interest to grant a licence to establish, operate or maintain the nursing home in the area where the applicant proposes to establish, operate or maintain the nursing home, section 7 shall not apply and the Director shall not issue a licence to the applicant and shall give written notice to the applicant of the refusal and of the Minister's statement.

(1b) Notwithstanding subsection 1, where an application is made for a licence under this Act and the Minister states in writing to the Director that it is not in the public interest to grant a licence to establish, operate or maintain the nursing home with a total bed capacity greater than the total bed capacity set out in the Minister's statement, section 7 shall not apply and where the Director issues a licence to the applicant upon such application the Director shall give written notice to the applicant of the Minister's statement and the licence shall be limited to a total bed capacity not greater than that set out in the Minister's statement.

(1c) In considering under subsection 1a whether it is in the public interest to grant a licence to establish, operate or maintain a nursing home in an area and in considering under subsection 1b whether it is in the public interest to fix the maximum total bed capacity for which the Director may issue a licence to the applicant, the Minister shall take into account,

(a) the licensed nursing home bed capacity that exists,

- (i) in the area, or
- (ii) in the area and any other area;
- (b) the health facilities other than facilities for nursing care that are available,
 - (i) in the area, or
 - (ii) in the area and any other area;
- (c) the number of applicants for nursing care,
 - (i) in the area, or
 - (ii) in the area and any other area;
- (d) the predictable continuing demand for nursing home facilities,
 - (i) in the area, or
 - (ii) in the area and any other area; or
- (e) the funds available to provide continuing extended care in nursing homes in Ontario.

s. 4 (2) (b),
repealed

(2) Clause *b* of subsection 2 of the said section 4 is repealed.

2. Section 14 of the said Act is repealed and the following substituted therefor:

14. No licensee shall demand or accept or cause or permit any person to demand or accept on his behalf payment in excess of,

1972, c. 91

- (a) for services that are insured services under *The Health Insurance Act, 1972*,
 - (i) the amount prescribed under that Act for the insured services, or
 - (ii) the amount prescribed by the regulations as co-payment for the insured services;
- (b) for private accommodation in an extended care unit, the amount prescribed by the regulations; or
- (c) for semi-private accommodation in an extended care unit, the amount prescribed by the regulations.

Excessive
charges
prohibited

SECTION 2. The purpose of the section is to re-enact section 14 to provide a clear prohibition against the charging of amounts in excess of the amounts prescribed for services or accommodation in a nursing home and to provide for the recovery of any excess payment.

14a. The Minister may recover from a licensee any excess payment referred to in section 14 that is accepted by or on behalf of the licensee, with costs, by action in a court of competent jurisdiction and, upon such recovery, shall pay the amount of the excess payment recovered to the person from whom it was accepted by or on behalf of the licensee.

3. This Act comes into force on the day it receives Royal Assent. Commencement

4. This Act may be cited as *The Nursing Homes Amendment Act, 1973.* Short title

An Act to amend
The Nursing Homes Act, 1972

1st Reading

March 29th, 1973

2nd Reading

3rd Reading

THE HON. R. T. POTTER
Minister of Health

(*Government Bill*)

CA20N

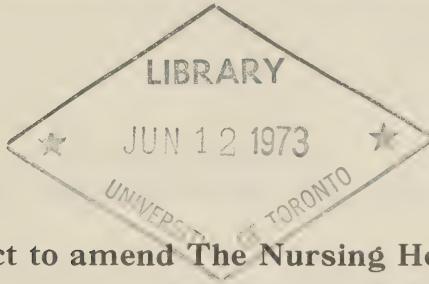
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B 56

BILL 70

Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973



An Act to amend The Nursing Homes Act, 1972

THE HON. R. T. POTTER
Minister of Health

(Reprinted as amended by the Committee of the Whole House)

TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTION 1. The Bill provides for the refusal of a licence where it is not in the public interest to permit the establishment, operation or maintenance of a nursing home in a particular area.

The Bill also provides, upon an application for a licence, for the setting of a maximum limit on the total bed capacity of a nursing home where it is in the public interest to set such a maximum limit.

The Bill sets out the matters to be taken into account by the Minister in considering whether a refusal or limitation is in the public interest.

BILL 70

1973

**An Act to amend
The Nursing Homes Act, 1972**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 4 of *The Nursing Homes Act, 1972*, being chapter ^{s. 4, amended} 11, is amended by adding thereto the following subsections:

(1a) Notwithstanding subsection 1, where an application is made for a licence under this Act and the Minister states in writing to the Director that it is not in the public interest to grant a licence to establish, operate or maintain the nursing home in the area where the applicant proposes to establish, operate or maintain the nursing home, section 7 shall not apply and the Director shall not issue a licence to the applicant and shall give written notice to the applicant of the refusal and of the Minister's statement.

(1b) Notwithstanding subsection 1, where an application is made for a licence under this Act and the Minister states in writing to the Director that it is not in the public interest to grant a licence to establish, operate or maintain the nursing home with a total bed capacity greater than the total bed capacity set out in the Minister's statement, section 7 shall not apply and where the Director issues a licence to the applicant upon such application the Director shall give written notice to the applicant of the Minister's statement and the licence shall be limited to a total bed capacity not greater than that set out in the Minister's statement.

(1c) In considering under subsection 1a whether it is in the public interest to grant a licence to establish, operate or maintain a nursing home in an area and in considering under subsection 1b whether it is in the public interest to fix the maximum total bed capacity for which the Director may issue a licence to the applicant, the Minister shall take into account,

(a) the licensed nursing home bed capacity that exists,

- (i) in the area, or
- (ii) in the area and any other area;
- (b) the health facilities other than facilities for nursing care that are available,
 - (i) in the area, or
 - (ii) in the area and any other area;
- (c) the number of applicants for nursing care,
 - (i) in the area, or
 - (ii) in the area and any other area;
- (d) the predictable continuing demand for nursing home facilities,
 - (i) in the area, or
 - (ii) in the area and any other area; or
- (e) the funds available to provide continuing extended care in nursing homes in Ontario.

(2) Clause *b* of subsection 2 of the said section 4 is repealed.

2. Section 14 of the said Act is repealed and the following substituted therefor:

14. No licensee shall demand or accept or cause or permit any person to demand or accept on his behalf payment in excess of,

- (a) for services that are insured services under *The Health Insurance Act, 1972*,
 - (i) the amount prescribed under that Act for the insured services, or
 - (ii) the amount prescribed by the regulations as co-payment for the insured services;
- (b) for private accommodation in an extended care unit, the amount prescribed by the regulations; or
- (c) for semi-private accommodation in an extended care unit, the amount prescribed by the regulations.

s. 4 (2) (b),
repealed

s. 14,
re-enacted

Excessive
charges
prohibited

1972, c. 91

SECTION 2. The purpose of the section is to re-enact section 14 to provide a clear prohibition against the charging of amounts in excess of the amounts prescribed for services or accommodation in a nursing home and to provide for the recovery of any excess payment.

14a. The Minister shall bring action to recover from a licensee Recovery of excess payment any excess payment referred to in section 14 that is accepted by or on behalf of the licensee, with costs, by action in a court of competent jurisdiction and, upon such recovery, shall pay the amount of the excess payment recovered to the person from whom it was accepted by or on behalf of the licensee.

3. This Act comes into force on the day it receives Royal Assent. Commencement
4. This Act may be cited as *The Nursing Homes Amendment* Short title *Act, 1973.*

An Act to amend
The Nursing Homes Act, 1972

1st Reading

March 29th, 1973

2nd Reading

May 22nd, 1973

3rd Reading

THE HON. R. T. POTTER
Minister of Health

(Reprinted as amended by the
Committee of the Whole House)

CAZON

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BILL 70

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Nursing Homes Act, 1972

THE HON. R. T. POTTER
Minister of Health

TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

**An Act to amend
The Nursing Homes Act, 1972**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 4 of *The Nursing Homes Act, 1972*, being chapter ^{s. 4, amended} 11, is amended by adding thereto the following subsections:

(1a) Notwithstanding subsection 1, where an application is made for a licence under this Act and the Minister states in writing to the Director that it is not in the public interest to grant a licence to establish, operate or maintain the nursing home in the area where the applicant proposes to establish, operate or maintain the nursing home, section 7 shall not apply and the Director shall not issue a licence to the applicant and shall give written notice to the applicant of the refusal and of the Minister's statement.

(1b) Notwithstanding subsection 1, where an application is made for a licence under this Act and the Minister states in writing to the Director that it is not in the public interest to grant a licence to establish, operate or maintain the nursing home with a total bed capacity greater than the total bed capacity set out in the Minister's statement, section 7 shall not apply and where the Director issues a licence to the applicant upon such application the Director shall give written notice to the applicant of the Minister's statement and the licence shall be limited to a total bed capacity not greater than that set out in the Minister's statement.

(1c) In considering under subsection 1a whether it is in the public interest to grant a licence to establish, operate or maintain a nursing home in an area and in considering under subsection 1b whether it is in the public interest to fix the maximum total bed capacity for which the Director may issue a licence to the applicant, the Minister shall take into account,

(a) the licensed nursing home bed capacity that exists,

- (i) in the area, or
- (ii) in the area and any other area;
- (b) the health facilities other than facilities for nursing care that are available,
 - (i) in the area, or
 - (ii) in the area and any other area;
- (c) the number of applicants for nursing care,
 - (i) in the area, or
 - (ii) in the area and any other area;
- (d) the predictable continuing demand for nursing home facilities,
 - (i) in the area, or
 - (ii) in the area and any other area; or
- (e) the funds available to provide continuing extended care in nursing homes in Ontario.

s. 4 (2) (b),
repealed

(2) Clause *b* of subsection 2 of the said section 4 is repealed.

2. Section 14 of the said Act is repealed and the following substituted therefor:

Excessive
charges
prohibited

14. No licensee shall demand or accept or cause or permit any person to demand or accept on his behalf payment in excess of,

1972, c. 91

- (a) for services that are insured services under *The Health Insurance Act, 1972*,
 - (i) the amount prescribed under that Act for the insured services, or
 - (ii) the amount prescribed by the regulations as co-payment for the insured services;
- (b) for private accommodation in an extended care unit, the amount prescribed by the regulations; or
- (c) for semi-private accommodation in an extended care unit, the amount prescribed by the regulations.

14a. The Minister shall bring action to recover from a licensee ^{Recovery of excess payment} any excess payment referred to in section 14 that is accepted by or on behalf of the licensee, with costs, by action in a court of competent jurisdiction and, upon such recovery, shall pay the amount of the excess payment recovered to the person from whom it was accepted by or on behalf of the licensee.

3. This Act comes into force on the day it receives Royal Assent. ^{Commencement}

4. This Act may be cited as *The Nursing Homes Amendment* ^{Short title} *Act, 1973.*

An Act to amend
The Nursing Homes Act, 1972

1st Reading

March 29th, 1973

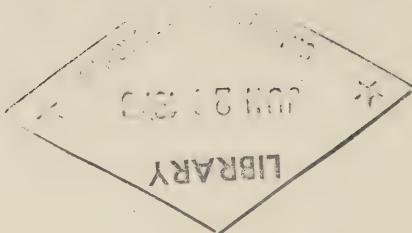
2nd Reading

May 22nd, 1973

3rd Reading

May 29th, 1973

THE HON. R. T. POTTER
Minister of Health



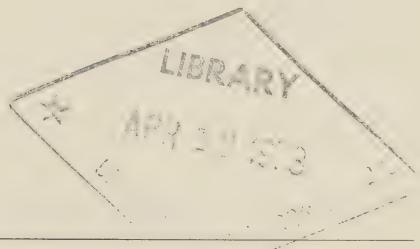
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-B 56

BILL 71

Private Member's Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

**An Act to provide for the
Practice of Dental Prostheses**



MR. NIXON (Brant)

TORONTO
PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The purpose of this Bill is to allow denturists to take impressions, construct and fit complete upper, lower and partial dentures, dealing directly with the public.

BILL 71**1973**

**An Act to provide for the
Practice of Dental Prostheses**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, Interpre-
tion

- (a) "Board" means the Denturist Licensing Board established under section 7;
- (b) "dental prosthesis" means,
 - (i) the repairing, relining or rebasing of any complete upper or complete lower denture or any removable partial denture, and
 - (ii) the taking of impressions, bite registrations, tryins, or insertions for the making, producing, construction, furnishing, supplying or fitting of any complete upper or complete lower artificial denture or any upper or lower removable partial denture for the intended wearer thereof;
- (c) "denturist" means a person licensed under this Act to engage in the practice of dental prosthesis;
- (d) "incompetence" means the display of a lack of knowledge, skill or judgment in the professional care of a patient or disregard for the welfare of a patient of a nature or to an extent that demonstrates that the denturist is unfit to continue in the practice of dental prosthesis;
- (e) "Member" means a member of the Denturist Society of Ontario;
- (f) "Minister" means the Minister of Health;
- (g) "professional misconduct" means professional misconduct as defined in the regulations;

(h) "Registrar" means the Registrar of the Denturist Licensing Board appointed under section 3;

(i) "regulations" means the regulations made under this Act.

Administration of Act **2.** The Minister of Health is responsible for the administration of this Act.

Registrar of Denturist Licensing Board **3.** There shall be a Registrar of the Denturist Licensing Board who shall be appointed by the Board with the approval of the Lieutenant Governor in Council.

Practice of dental prosthesis **4.** No person, other than a dental surgeon or a person licensed under this Act as a denturist, shall engage in or hold himself out as qualified or entitled to engage in the practice of dental prosthesis, or take or use any name, title, addition or description representing or implying that he is the holder of a licence to practise dental prosthesis.

Issuance of licence **5.**—(1) An applicant for a licence as a denturist is entitled to be issued a licence by the Registrar except where,

- (a) the applicant does not have the educational qualifications or experience required by the regulations or fails to pass the examinations set by the Board;
- (b) the past conduct of the applicant affords reasonable grounds for belief that he will not carry on his practice with integrity and honesty.

 (2) A licence is subject to such terms and conditions as are consented to by the applicant, imposed by the Board or prescribed by the regulations.

Expiry (3) A licence expires one year after its issue or renewal.

Refusal to issue, etc. **6.**—(1) Subject to section 8, the Registrar may refuse to issue or renew a licence to an applicant where in the Registrar's opinion the applicant is not entitled to a licence under section 5.

Suspension or revocation (2) Subject to section 8, the Registrar may suspend or revoke a licence,

- (a) for any reason that would disentitle the licensee to be issued a licence under section 5 if he were an applicant;
- (b) where the licensee is in breach of a term or condition of his licence;

- (c) where the licensee is in contravention of this Act or the regulations; or
- (d) where the licensee has been guilty of professional misconduct or incompetence.

7.—(1) There shall be a board to be known as the Denturist ^{Denturist Licensing} Board composed of persons appointed by the Lieutenant Governor in Council, one of whom shall be designated by the Lieutenant Governor in Council as chairman.

(2) The Board shall be composed of, Composition of Board

- (a) two persons representing the public interest;
- (b) one dental surgeon who is a member of The Royal College of Dental Surgeons of Ontario;
- (c) four Members who shall be nominated by the Denturist Society of Ontario.

(3) The appointment of a nominee of the Denturist Society ^{Idem} of Ontario shall terminate if such nominee fails to become licensed as a denturist at the earliest opportunity after such appointment, or if the licence of such nominee is suspended or revoked.

(4) Four members of the Board constitute a quorum, at ^{Quorum} least one of whom shall be a member appointed to represent the public interest.

(5) Such officers and employees as are considered necessary ^{Staff} for the carrying out of the duties of the Board may be appointed under *The Public Service Act.* R.S.O. 1970,
c. 386

(6) The Board shall, Duties of Board

- (a) conduct the hearings and proceedings under section 8;
- (b) review the operation of this Act and the regulations and make recommendations to the Minister thereon;
- (c) establish, with the approval of the Lieutenant Governor in Council, a course or courses of study for the purpose of qualifying persons in dental prosthesis;
- (d) set or approve examinations for the qualification of applicants for licences;
- (e) perform such other duties as are assigned to it by this Act or the regulations or by any other Act.

Notice of proposal to refuse or revoke

8.—(1) Where the Registrar proposes to refuse to issue a licence or renew a licence or proposes to suspend or revoke a licence, he shall serve notice of his proposal, together with written reasons therefor on the applicant or licensee.

Notice requiring hearing

(2) A notice under subsection 1 shall inform the applicant or licensee that he is entitled to a hearing by the Board if he mails or delivers, within fifteen days after the notice under subsection 1 is served on him, notice in writing requiring a hearing to the Registrar and the Board, and he may so require such a hearing.

Powers of Registrar where no hearing

(3) Where an applicant or licensee does not require a hearing by the Board in accordance with subsection 2, the Registrar may carry out the proposal stated in his notice under subsection 1.

Powers of Board

(4) Where an applicant or licensee requires a hearing by the Board in accordance with subsection 2, the Board shall appoint a time for and hold the hearing and, on the application of the Registrar at the hearing, may by order direct the Registrar to carry out his proposal or refrain from carrying out his proposal and to take such actions as the Board considers the Registrar ought to take in accordance with this Act and the regulations, and for such purposes the Board may substitute its opinion for that of the Registrar.

Conditions of order

(5) The Board may attach such terms and conditions to its order or to the licence as it considers proper to give effect to the purposes of this Act.

Extension of times

(6) The Board may extend the time for the giving of notice requiring a hearing by an applicant or licensee under this section either before or after the expiration of such time where it is satisfied that there are *prima facie* grounds for granting relief to the applicant or licensee pursuant to a hearing and that there are reasonable grounds for applying for the extension, and the Board may give such directions as it considers proper consequent upon the extension.

Continuation of licence pending renewal

(7) Where before expiry of his licence, a licensee has applied for renewal of his licence and paid the prescribed fee, his licence shall be deemed to continue,

(a) until the renewal is granted; or

(b) where he is served with notice that the Registrar proposes to refuse to grant the renewal, until the time for giving notice requiring a hearing by the Board has expired and, where a hearing is required, until the Board has made its decision.

9.—(1) The Registrar, the applicant or licensee who has^{Parties} required the hearing and such other persons as the Board may specify are parties to proceedings before the Board under this Act.

(2) Notice of hearing under section 8 shall afford the^{Notice of hearing} applicant or licensee a reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements for the issue or retention of the licence.

(3) An applicant or licensee who is a party to proceedings^{Examination of documentary evidence} under section 8 shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing.

(4) Members of the Board holding a hearing shall not have^{Members holding hearing not to have taken part in investigation, etc.} taken part before the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but the Board may seek legal advice from an adviser independent from the parties and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law.

(5) The oral evidence taken before the Board at a hearing^{Recording of evidence} shall be recorded and, if so required, copies of a transcript thereof shall be furnished upon the same terms as in the Supreme Court.

(6) The findings of fact of the Board pursuant to a hearing^{Findings of fact} shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*.^{1971, c. 47}

(7) No member of the Board shall participate in a decision^{Only members at hearings to participate in decision} of the Board pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Board shall be given unless all members so present participate in the decision.

(8) Documents and things put in evidence at the hearing^{Release of documentary evidence} shall, upon the request of the person who produced them, be released to him by the Board within a reasonable time after the matter in issue has been finally determined.

Appeal to Court

10.—(1) Any party to the hearing before the Board may appeal from the decision of the Board to the Supreme Court in accordance with the rules of court.

Minister entitled to be heard

(2) The Minister is entitled to be heard by counsel or otherwise upon the argument of an appeal under this section.

Record to be filed in court

(3) The Board shall certify to the Registrar of the Supreme Court the record of the proceedings before the Board which, together with a transcript of the evidence before the Board, if it is not part of the Board's record, shall constitute the record in the appeal.

Powers of court on appeal

(4) An appeal under this section may be made on questions of law or fact or both and the court may confirm or alter the decision of the Board or direct the Registrar to do any act he is authorized to do under this Act or may refer the matter back to the Board for reconsideration by the Board as the court considers proper and the court may substitute its opinion for that of the Registrar or the Board.

No stay on appeal

(5) Notwithstanding that an applicant or licensee has appealed under this section from a decision of the Board, unless the Board otherwise directs, the decision of the Board is effective until the appeal is disposed of.

Service of notice

11.—(1) Except where otherwise provided, any notice required by this Act to be served may be served personally or by registered mail addressed to the person to whom notice is to be given at his latest known address and, where notice is served by registered mail, the service shall be deemed to have been made on the third day after the day of mailing unless the person to whom notice is given establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice until a later date.

Idem

(2) Notwithstanding subsection 1, the Board may order any other method of service in respect of any matter before the Board.

Immunity from civil liability

12. No action or other proceeding for damages shall be instituted against the Registrar, the Board or any member of the Board or anyone acting under the authority of such Registrar, Board or member, for any act done in good faith in the execution or intended execution of his duty or for any alleged neglect or default in the execution in good faith of his duty.

13. No denturist is liable to any action for negligence or malpractice, by reason of professional services requested or rendered, unless such action is commenced within six months from the date when, in the matter complained of, such professional services terminated.

14.—(1) No denturist shall practise dental prosthesis except in,

- (a) premises approved by the Board as premises within which the denturist may practise dental prosthesis;
- (b) the offices of a dental surgeon or dental clinic; or
- (c) such other place, such as a hospital, home for the aged or private residence in instances where the person requiring the services of such denturist is not reasonably able to attend at such approved premises or the offices of a dental surgeon or a dental clinic.

(2) No licensed denturist shall perform any act in the practice of dentistry except within the scope of the practice of dental prosthesis.

15. No denturist shall,

Use of equipment

- (a) own or operate X-ray equipment; or
- (b) own or operate tools or equipment ordinarily used by a dentist for drilling or extracting teeth; or
- (c) treat or provide medication for the treatment of any disease of the oral cavity.

16.—(1) Every person who,

Offences

- (a) knowingly, furnishes false information in any application under this Act or in any statement or return required to be furnished under this Act or the regulations; or
- (b) contravenes any provision of this Act or the regulations,

is guilty of an offence and on summary conviction is liable to a fine of not more than \$500.

(2) No proceedings under clause *a* of subsection 1 shall be commenced more than one year after the facts upon which the proceeding is based first came to the knowledge of the Registrar.

Idem (3) No proceedings under clause *b* of subsection 1 shall be commenced more than two years after the time when the subject-matter of the proceeding arose.

Restraining order (4) Where any person has been convicted of an offence under this Act on two or more occasions, the Board may apply to the Supreme Court for an order directing such person to comply with any provisions of this Act, and upon the application, the judge may make such order as the judge thinks fit and an appeal lies to the Court of Appeal from an order made under this subsection.

Certificate as evidence **17.** A statement as to,

- (a) the licensing or non-licensing of any person;
- (b) the filing or non-filing of any document or material required or permitted to be filed with the Registrar;
- (c) the time when the facts upon which proceedings are based first came to the knowledge of the Registrar; or
- (d) any other matter pertaining to such licensing, non-licensing, filing or non-filing,

purporting to be certified by the Registrar is, without proof of the office or signature of the Registrar, receivable in evidence as *prima facie* proof of the facts stated therein for all purposes in any action, proceeding or prosecution.

Regulations **18.** The Lieutenant Governor in Council may make regulations,

- (a) governing the manner in which denturists conduct their practice and business affairs;
- (b) requiring the certificate of a dental surgeon as to oral health as a condition to the performance of services in the practice of dental prosthesis;
- (c) defining professional misconduct;
- (d) prescribing the manner in which denturists may describe themselves and their practice;
- (e) prescribing fees to be charged by a denturist for services rendered in the practice of dental prosthesis and providing for a discount of the prescribed fee of

33½ per cent when such services are rendered to a person who receives old age security payments or disability allowance;

- (f) governing applications for and issuing of licences to engage in the practice of denture therapy and renewals thereof and prescribing terms and conditions of licences;
- (g) requiring the payment of fees on applications for licences and renewals and for the taking of examinations and prescribing the amounts thereof;
- (h) prescribing the qualifications of applicants for licences and renewals and providing for the holding of oral and written examinations set or approved by the Board;
- (i) prescribing procedures that may be performed as incidental to the practice of dental prosthesis;
- (j) requiring licensed denturists to make returns and furnish information to the Registrar;
- (k) requiring any information required to be furnished or contained in any form or return to be verified by affidavit;
- (l) prescribing forms for the purposes of this Act and providing for their use;
- (m) prescribing further procedures respecting matters coming before the Board;
- (n) assigning additional duties to the Board;
- (o) defining the term commercial dental laboratory and prohibiting a denturist from having any proprietary interest therein.

19. *The Denture Therapists Act, 1972*, being chapter 163,^{1972, c. 163, repealed} is repealed.

20. This Act comes into force on a day to be named by ^{Commencement} Lieutenant Governor by his proclamation.

21. This Act may be cited as *The Denturist Act, 1973*. ^{Short title}

An Act to provide for the
Practice of Dental Prosthesis

1st Reading

March 29th, 1973

2nd Reading

3rd Reading

MR. NIXON (Brant)

(*Private Member's Bill*)

CAZON

XB

-B 56

BILL 72

Private Member's Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Labour Relations Act

MR. PATERSON



TORONTO
PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The Bill prevents the ballots on a vote under subsection 4 of section 63 of the Act from going directly to union headquarters. The purpose of this amendment is to keep the decision-making process at the local union level.

BILL 72

1973

**An Act to amend
The Labour Relations Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 63 of *The Labour Relations Act*, being chapter 232 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following subsection:

(6) A vote under subsection 4 shall be tabulated by an in-plant count before the ballots are sent to central union headquarters.

2. This Act comes into force on the day it receives Royal Assent.
3. This Act may be cited as *The Labour Relations Amendment Act, 1973*.

An Act to amend
The Labour Relations Act

1st Reading

March 29th, 1973

2nd Reading

3rd Reading

MR. PATERSON

(*Private Member's Bill*)

CAZON

XB

-B 56

BILL 73

Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Trustee Act

THE HON. D. A. BALES
Attorney General



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The amendments permit the court before which a claim against a deceased person is brought to appoint an administrator *ad litem* instead of requiring an application to the Supreme Court in all cases.

BILL 73

1973

An Act to amend The Trustee Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 3 of section 38 of *The Trustee Act*, being chapter 470 of the Revised Statutes of Ontario, 1970, is amended <sup>s. 38 (3),
amended</sup> by striking out “Supreme Court” in the fifth line and inserting in lieu thereof “court having jurisdiction to entertain the action”.
- (2) Subsection 4 of the said section 38 is repealed and the <sup>s. 38 (4),
re-enacted</sup> following substituted therefor:
 - (4) A judge of the court having jurisdiction to entertain an ^{Exception} action under subsection 2 may make an appointment under subsection 3 before the period of six months referred to therein has expired if he is of the opinion that the right of action of the person wronged might otherwise be prejudiced.
2. This Act comes into force on the day it receives Royal Assent. ^{Commencement}
3. This Act may be cited as *The Trustee Amendment Act, 1973*. ^{Short title}

An Act to amend
The Trustee Act

1st Reading

March 30th, 1973

2nd Reading

3rd Reading

THE HON. D. A. BALES
Attorney General

(Government Bill)

CAZON

BILL 73

XB

-B 56

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Trustee Act

THE HON. D. A. BALES
Attorney General



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

An Act to amend The Trustee Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 3 of section 38 of *The Trustee Act*, being chapter <sup>s. 38 (3),
amended</sup> 470 of the Revised Statutes of Ontario, 1970, is amended by striking out “Supreme Court” in the fifth line and inserting in lieu thereof “court having jurisdiction to entertain the action”.
- (2) Subsection 4 of the said section 38 is repealed and the <sup>s. 38 (4),
re-enacted</sup> following substituted therefor:
 - (4) A judge of the court having jurisdiction to entertain an *Exception* action under subsection 2 may make an appointment under subsection 3 before the period of six months referred to therein has expired if he is of the opinion that the right of action of the person wronged might otherwise be prejudiced.
2. This Act comes into force on the day it receives Royal Assent. Commencement
3. This Act may be cited as *The Trustee Amendment Act, 1973*. Short title

An Act to amend
The Trustee Act

1st Reading

March 30th, 1973

2nd Reading

April 12th, 1973

3rd Reading

April 12th, 1973

THE HON. D. A. BALES
Attorney General

CAZON

XB

-B 56

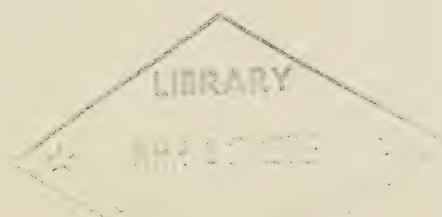
BILL 74

Government Bill

3ND SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Fatal Accidents Act

THE HON. D. A. BALES
Attorney General



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The amendment raises the maximum that may be claimed for funeral expenses in an action under the Act from \$300 to \$800. The present maximum has been unrevised since 1959.

BILL 74**1973****An Act to amend The Fatal Accidents Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 3 of *The Fatal Accidents Act*, being chapter 164 of the Revised Statutes of Ontario, 1970, is amended by striking out “\$300” in the third line and inserting in lieu thereof “\$800”.
2. This Act does not apply to funeral expenses claimed in an action ^{Application of Act} commenced before this Act comes into force.
3. This Act comes into force on the day it receives Royal Assent. ^{Commencement}
4. This Act may be cited as *The Fatal Accidents Amendment Act*, ^{Short title} 1973.

An Act to amend
The Fatal Accidents Act

1st Reading

April 2nd, 1973

2nd Reading

3rd Reading

THE HON. D. A. BALES
Attorney General

(Government Bill)

CA20N
XB
-B56

BILL 74

3ND SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Fatal Accidents Act

THE HON. D. A. BALES
Attorney General



BILL 74

1973

An Act to amend The Fatal Accidents Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 3 of *The Fatal Accidents Act*, being chapter 164 of the Revised Statutes of Ontario, 1970, is amended <sup>s. 3 (2),
amended</sup> by striking out “\$300” in the third line and inserting in lieu thereof “\$800”.
2. This Act does not apply to funeral expenses claimed in an action <sup>Application
of Act</sup> commenced before this Act comes into force.
3. This Act comes into force on the day it receives Royal Assent. ^{Commencement}
4. This Act may be cited as *The Fatal Accidents Amendment Act*, ^{Short title} 1973.

An Act to amend
The Fatal Accidents Act

1st Reading

April 2nd, 1973

2nd Reading

April 12th, 1973

3rd Reading

April 12th, 1973

THE HON. D. A. BALES
Attorney General

CA20N
XB
-B56

BILL 75

Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

**An Act to amend
The Commissioners for taking
Affidavits Act**

THE HON. D. A. BALES
Attorney General



TORONTO
PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTION 1. The amendment ensures that certain officials of metropolitan and regional municipalities are *ex officio* commissioners for taking affidavits in the same way as the same officials are in the older forms of municipalities.

SECTION 2. The amendment ensures that the mayor, controllers and aldermen of the boroughs of metropolitan Toronto may take affidavits in the metropolitan area in the same way as is provided for regional municipalities.

**An Act to amend
The Commissioners for taking
Affidavits Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 3 of section 2 of *The Commissioners for taking Affidavits Act*, being chapter 72 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:
 - (3) The clerk, deputy clerk and treasurer of every municipality, including a metropolitan or regional municipality, are *ex officio* commissioners for taking affidavits, Municipal clerks and treasurers
 - (a) in the case of a county or a metropolitan or regional municipality, in the county or the metropolitan or regional municipality, respectively; or
 - (b) in the case of a municipality other than a county or a metropolitan or regional municipality, in the county or the metropolitan or regional municipality in which the municipality is situate.
- (2) Subsection 5 of the said section 2 is amended by inserting s. 2 (5), amended after “district” in the fourth line “or metropolitan”.
2. This Act comes into force on the day it receives Royal Assent. Commencement
3. This Act may be cited as *The Commissioners for taking Affidavits Amendment Act, 1973*. Short title

BILL 75

An Act to amend
The Commissioners for taking
Affidavits Act

1st Reading

April 2nd, 1973

2nd Reading

3rd Reading

THE HON. D. A. BALES
Attorney General

(Government Bill)

CA20N

XB

-B56

BILL 75

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

**An Act to amend
The Commissioners for taking
Affidavits Act**

THE HON. D. A. BALES
Attorney General



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

**An Act to amend
The Commissioners for taking
Affidavits Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 3 of section 2 of *The Commissioners for taking Affidavits Act*, being chapter 72 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

(3) The clerk, deputy clerk and treasurer of every municipality, including a metropolitan or regional municipality, are *ex officio* commissioners for taking affidavits, ^{Municipal clerks and treasurers}

(a) in the case of a county or a metropolitan or regional municipality, in the county or the metropolitan or regional municipality, respectively; or

(b) in the case of a municipality other than a county or a metropolitan or regional municipality, in the county or the metropolitan or regional municipality in which the municipality is situate.

(2) Subsection 5 of the said section 2 is amended by inserting ^{s. 2 (5), amended} after “district” in the fourth line “or metropolitan”.

2. This Act comes into force on the day it receives Royal Assent. ^{Commencement}

3. This Act may be cited as *The Commissioners for taking Affidavits Amendment Act, 1973*. ^{Short title}

An Act to amend
The Commissioners for taking
Affidavits Act

1st Reading

April 2nd, 1973

2nd Reading

April 12th, 1973

3rd Reading

April 12th, 1973

THE HON. D. A. BALES
Attorney General

CAZON

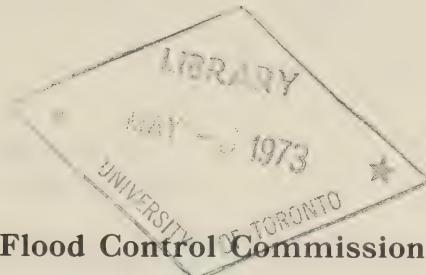
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-B 56

BILL 76

Private Member's Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973



An Act to establish the Flood Control Commission

MR. BURR

TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The Bill establishes a Flood Control Commission to protect the shoreline of the Great Lakes from flooding and erosion.

BILL 76

1973

**An Act to establish the
Flood Control Commission**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Commission" means the Flood Control Commission;
- (b) "Minister" means the Minister of Natural Resources.

2.—(1) A Commission to be known as the "Flood Control Commission" is hereby established.

(2) The Commission shall be composed of not fewer than seven members appointed by the Lieutenant Governor in Council.

3. The Lieutenant Governor in Council may designate one chairman of the members to be chairman of the Commission.

4. Five members of the Commission constitute a quorum.

5. The Lieutenant Governor in Council may fill any vacancy among the members of the Commission.

6.—(1) The objects of the Commission are and it has objects and powers power,

(a) to study and evaluate water currents in the Great Lakes and its connecting waters to determine how to protect the shoreline from erosion;

(b) to study methods of protecting lands adjacent to the tributaries of the Great Lakes and its connecting waters from back-up flooding during times of high water levels;

R.S.O. 1970,
c. 78

- (c) to determine methods of protecting the lands and property of shoreline residents during times of flooding, however caused;
- (d) to study and develop engineering plans for offshore breakwaters in order to provide public works projects;
- (e) to identify operative units of endangered shoreline properties and to develop methods of protecting these units from flooding and erosion;
- (f) to compile and, in addition to those methods set out in clause *c*, present to the owners of property identified under clause *e*, plans for effective protection against flooding and erosion together with the estimated cost of such protection;
- (g) to compile and present to the owners of property identified under clause *e*, detailed recommendations in the form of a manual or emergency handbook for the protection of properties where flooding itself cannot be prevented, including suggestions for,
 - (i) relocating electrical circuits,
 - (ii) protecting furnaces and other machinery or equipment which may not be feasible to move or relocate;
- (h) to consider the merits of providing flood insurance for lakeside dwellers; and
- (i) to consult with and make recommendations to conservation authorities established under *The Conservation Authorities Act* regarding,
 - (i) flooding and erosion and the erection of buildings in areas susceptible to flooding or erosion, and
 - (ii) the acquisition of lakeshore properties to provide recreational facilities for the public.

Further
powers

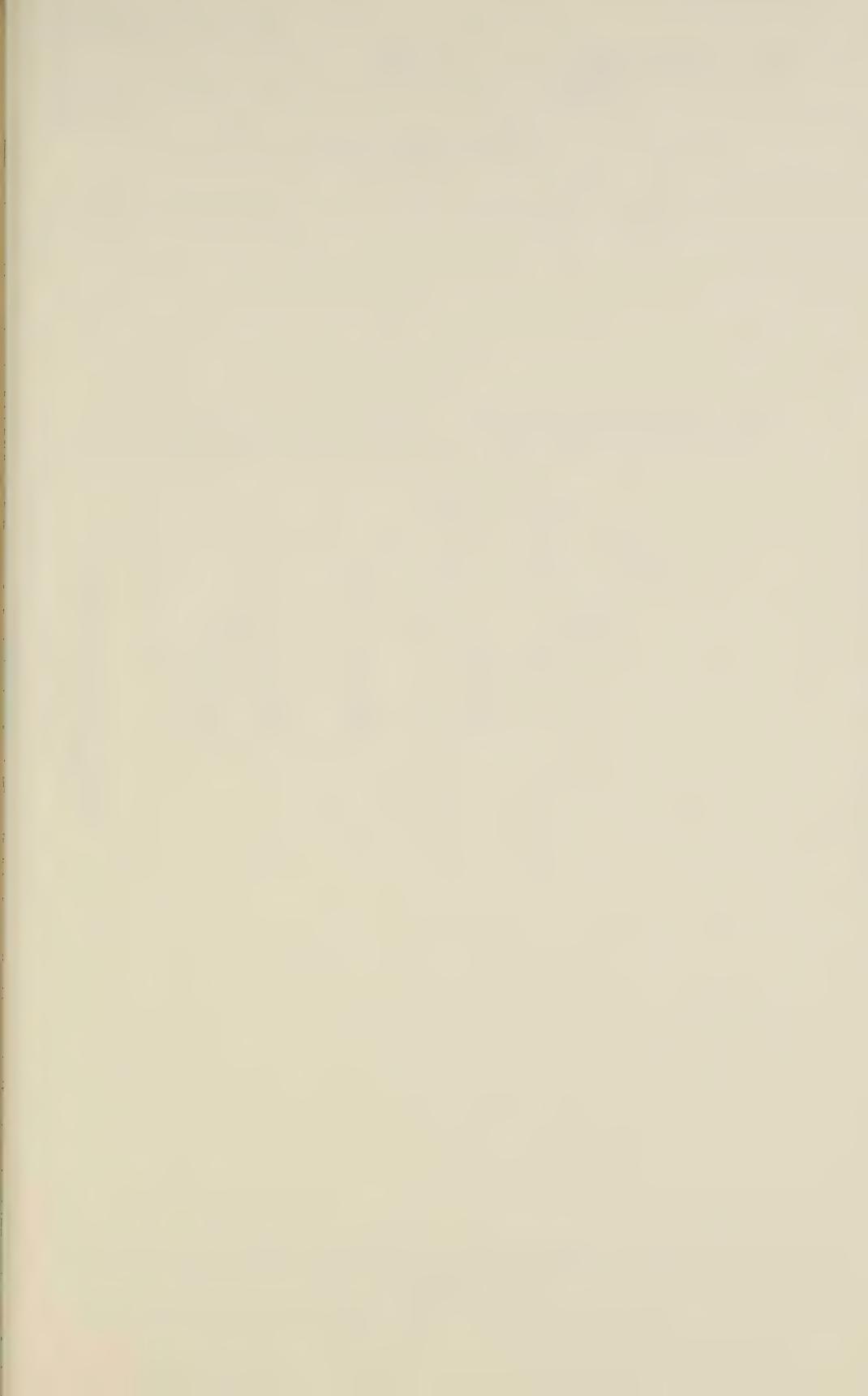
(2) Subject to the approval of the Lieutenant Governor in Council, for the furtherance of its objects, the Commission may enter into agreements with universities, corporations or persons for the experimentation in methods of evaluating and reducing flooding.

7. The Commission may make such by-laws as are considered expedient for its constitution and the administration of its affairs, and may do such other things as are considered necessary or advisable to carry out its objects.

8. The Commission shall make a report annually to the Minister who shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

9. This Act comes into force on the day it receives Royal Assent.

10. This Act may be cited as *The Flood Control Commission Act, 1973*.



BILL 76

An Act to establish
the Flood Control Commission

1st Reading

April 2nd, 1973

2nd Reading

3rd Reading

MR. BURR

(*Private Member's Bill*)

CAZON

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-B 56

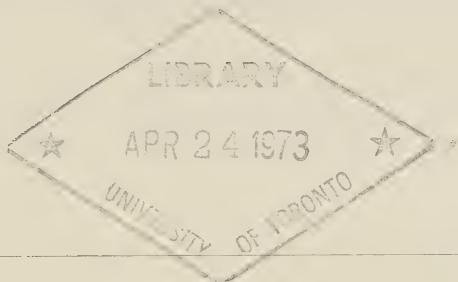
BILL 77

Private Member's Bill

Publications

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Beds of Navigable Waters Act



MR. HAGGERTY

TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The purpose of this Bill is to provide a uniform interpretation of deeds of property bounded by navigable water so that the high water mark shall be deemed to be the boundary of such property.

BILL 77

1973

**An Act to amend
The Beds of Navigable Waters Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) *The Beds of Navigable Waters Act*, being chapter 41 of the ^{Act, amended} Revised Statutes of Ontario, 1970, is amended by renumbering section 1 as section 1a and by adding thereto the following section:

1. In this Act, Interpre-
tation

(a) “bed” used in relation to a navigable body of water shall include all land and land under water lying below the high water mark; and

(b) “high water mark” shall mean the level at which the water in a navigable body of water has been held for a period sufficient to leave a watermark along the bank of such navigable body of water.

(2) Section 1a of the said Act, as renumbered by subsection 1, ^{s. 1a.} ^{amended} is amended by adding thereto the following subsections:

(2) Where in any patent, conveyance or deed from the ^{Where} ^{boundary} ^{body of} ^{navigable} ^{water} Crown made either heretofore or hereafter, the boundary of any land is described as a navigable body of water or the edge, bank, beach, shore, shoreline or high water mark thereof or in any other manner with relation thereto, such boundary shall be deemed always to have been the high water mark of such navigable body of water.

(3) The Minister of Natural Resources may, upon the recommendation of the Surveyor General for Ontario, fix the high ^{Minister} ^{may fix} ^{high water} ^{mark} water mark of any navigable body of water or any part thereof, and his decision shall be final and conclusive.

s. 2,
amended

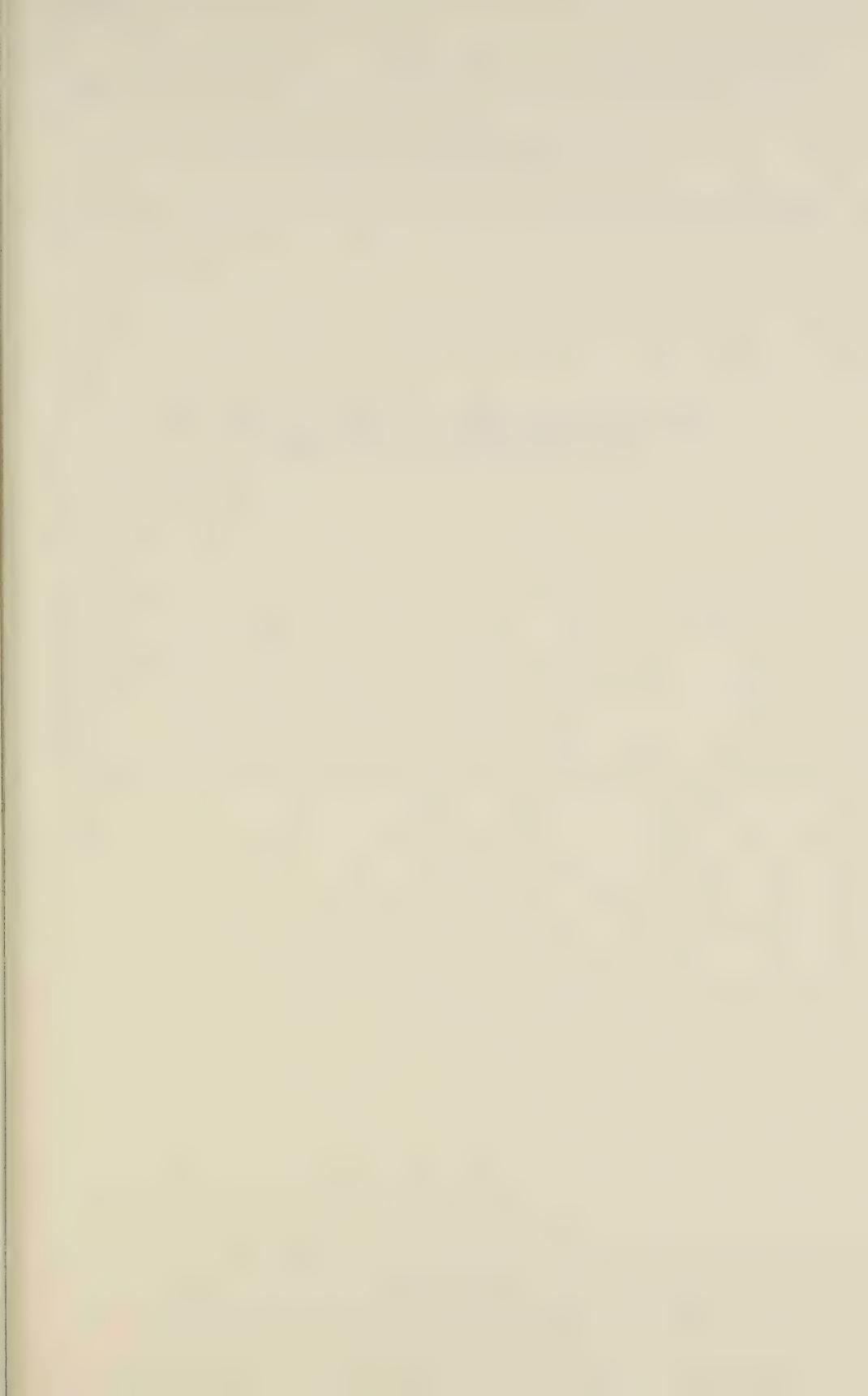
2. Section 2 of the said Act is amended by striking out “Section 1” in the first line and inserting in lieu thereof “Section 1a”.

Commencement

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Beds of Navigable Waters Amendment Act, 1973*.



An Act to amend
The Beds of Navigable Waters Act

1st Reading

April 3rd, 1973

2nd Reading

3rd Reading

MR. HAGGERTY

(Private Member's Bill)

CAZON

XB

-B 56

BILL 78

Private Member's Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

**An Act to amend The Apprenticeship and
Tradesmen's Qualification Act**

MR. DREA



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The Bill provides for the revocation of a motor mechanic's certificate where the person holding the certificate is found guilty of falsifying a certificate of mechanical fitness under section 58 of *The Highway Traffic Act*.

BILL 78

1973

**An Act to amend The Apprenticeship and
Tradesmen's Qualification Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 17 of *The Apprenticeship and Tradesmen's Qualification Act*, being chapter 24 of the Revised Statutes of Ontario, 1970, ^{s. 17, amended}, is amended by adding thereto the following subsection:
 - (3) Where a person who is guilty of an offence under sub-^{Revocation of} section 10 of section 58 of *The Highway Traffic Act* is the holder^{certificate} of a subsisting certificate of qualification as a motor mechanic ^{R.S.O. 1970, c. 202}, under this Act, the Minister shall revoke his certificate.
2. This Act comes into force on the day it receives Royal Assent. ^{Commencement}
3. This Act may be cited as *The Apprenticeship and Tradesmen's Qualification Amendment Act, 1973.* ^{Short title}

BILL 78

An Act to amend
The Apprenticeship and Tradesmen's
Qualification Act

1st Reading

April 3rd, 1973

2nd Reading

3rd Reading

MR. DREA

(Private Member's Bill)

CAZON

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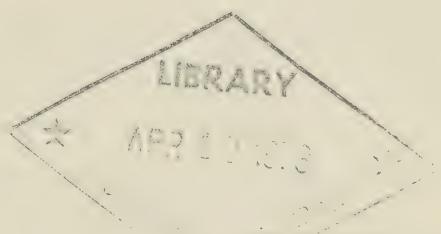
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BILL 79

Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to repeal The Northern Development Act



THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs

TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The maximum loan permitted by *The Northern Development Act* was \$500. The loans were made during the period 1917 to 1930. There are numerous liens outstanding representing loans that have either been paid in full or are uncollectable. The provisions contained in this Bill will discharge all of these liens.

BILL 79

1973

**An Act to repeal
The Northern Development Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Northern Development Act*, being chapter 34 of the ^{Repeals} Revised Statutes of Ontario, 1937, and the Statutes of Ontario, 1939, chapter 47, section 24; 1941, chapter 38; 1946, chapter 89, section 32, and 1948, chapter 62 are repealed.
2. Any lien or charge of which notice has been registered ^{Discharge of liens} under the said Act or any predecessor thereof is discharged on the 1st day of January, 1974, and the lands described in such notice shall be free therefrom.
3. This Act comes into force on the day it receives Royal ^{Commencement} Assent.
4. This Act may be cited as *The Northern Development Repeal Act, 1973.* ^{Short title}

An Act to repeal
The Northern Development Act

1st Reading

April 5th, 1973

2nd Reading

3rd Reading

THE HON. J. WHITE
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

(Government Bill)

CA20N

XB

-B 56

BILL 79

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to repeal The Northern Development Act

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs

TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

BILL 79**1973**

**An Act to repeal
The Northern Development Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.** *The Northern Development Act*, being chapter 34 of the ^{Repeals} Revised Statutes of Ontario, 1937, and the Statutes of Ontario, 1939, chapter 47, section 24; 1941, chapter 38; 1946, chapter 89, section 32, and 1948, chapter 62 are repealed.
- 2.** Any lien or charge of which notice has been registered ^{Discharge of liens} under the said Act or any predecessor thereof is discharged on the 1st day of January, 1974, and the lands described in such notice shall be free therefrom.
- 3.** This Act comes into force on the day it receives Royal ^{Commencement} Assent.
- 4.** This Act may be cited as *The Northern Development Repeal Act, 1973*. ^{Short title}

AN ACT TO REPEAL
THE NORTHERN DEVELOPMENT ACT

BILL 77

1st Reading

April 5th, 1973

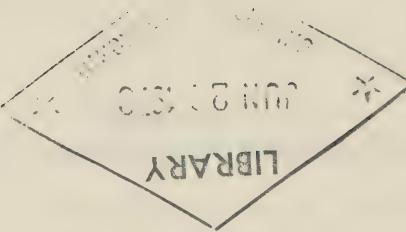
2nd Reading

May 22nd, 1973

3rd Reading

May 22nd, 1973

THE HON. J. WHITE
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs



CA20N

XB

-B 56

BILL 80

Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to repeal The Agricultural Development Act



THE HON. J. WHITE
Treasurer of Ontario and Minister
of Economics and Intergovernmental Affairs

TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

No loans have been made under *The Agricultural Development Act* for some time. At present, there are only eleven mortgages outstanding. The assets are vested in the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs who assumes the administrative duties for the purposes of the retirement of the outstanding loans.

BILL 80

1973

**An Act to repeal
The Agricultural Development Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) *The Agricultural Development Act*, being chapter 10 of the Revised Statutes of Ontario, 1970, and the Statutes of Ontario, 1971, chapter 98, Schedule, paragraph 1, are repealed.

(2) Notwithstanding subsection 1, sections 9, 12, 13, 15, 16, 17, 18, 20 and 23 of the said Act and the regulations made thereunder continue to apply in respect of loans made before this Act comes into force.

2. On the day this Act comes into force, all of the assets and rights of the Commissioner of Agricultural Loans under the said Act vest in the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs and the powers, duties and obligations of the Commissioner of Agricultural Loans shall, for the purposes of subsection 2 of section 1, be performed by the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs.

3. This Act comes into force on the 1st day of July, 1973. Commencement

4. This Act may be cited as *The Agricultural Development Repeal Act, 1973.* Short title

An Act to repeal
The Agricultural Development Act

1st Reading

April 5th, 1973

2nd Reading

3rd Reading

THE HON. J. WHITE
Treasurer of Ontario and Minister
of Economics and Intergovernmental
Affairs

(Government Bill)

CA20N

XB

-B56

BILL 80

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to repeal The Agricultural Development Act

THE HON. J. WHITE
Treasurer of Ontario and Minister
of Economics and Intergovernmental Affairs



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

BILL 80

1973

**An Act to repeal
The Agricultural Development Act**

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(2) Notwithstanding subsection 1, sections 9, 12, 13, 15, 16, 17, 18, 20 and 23 of the said Act and the regulations made thereunder continue to apply in respect of loans made before this Act comes into force.

2. On the day this Act comes into force, all of the assets and rights of the Commissioner of Agricultural Loans under the said Act vest in the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs and the powers, duties and obligations of the Commissioner of Agricultural Loans shall, for the purposes of subsection 2 of section 1, be performed by the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs.

3. This Act comes into force on the 1st day of July, 1973. Commencement

4. This Act may be cited as *The Agricultural Development Repeal Act, 1973*. Short title

BILL 80

An Act to repeal
The Agricultural Development Act

1st Reading

April 5th, 1973

2nd Reading

May 22nd, 1973

3rd Reading

May 22nd, 1973

THE HON. J. WHITE
Treasurer of Ontario and Minister
of Economics and Intergovernmental
Affairs

CA20N

XB

-B56

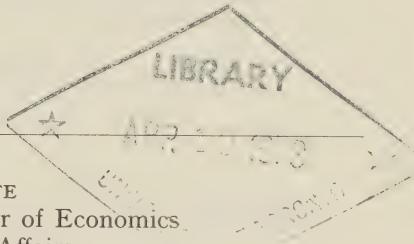
BILL 81

Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

**An Act to amend The Ministry of Treasury,
Economics and Intergovernmental Affairs Act, 1972**

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



TORONTO

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EXPLANATORY NOTES

SECTION 1. The new section authorizes a seal to be prescribed and used by the Treasurer. The section was previously contained in *The Financial Administration Act*.

SECTION 2. The amendment corrects references to sections of *The Audit Act*.

BILL 81

1973

**An Act to amend
The Ministry of Treasury, Economics
and Intergovernmental Affairs Act, 1972**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Ministry of *Treasury, Economics and Intergovernmental Affairs Act, 1972*, being chapter 3, is amended by adding ^{s. 3a, enacted} thereto the following section:

3a.—(1) The Lieutenant Governor in Council may au-^{Seal} thorize a seal for the Treasurer and prescribe its use on documents.

(2) The seal may be reproduced by engraving, litho-^{Mechanical reproduction} graphing, printing or any other method of mechanical repro-^{of seal} duction, and when so reproduced has the same force and effect as if manually affixed.

2. Section 8 of the said Act is amended by striking out “6, 7, 8, ^{s. 8, amended} 10, 15” in the fourth line and inserting in lieu thereof “9, 11, 12, 14, 17”.

3.—(1) This Act, except section 2, comes into force on the day ^{Commencement} it receives Royal Assent.

(2) Section 2 shall be deemed to have come into force on the ^{Idem} 1st day of April, 1972.

4. This Act may be cited as *The Ministry of Treasury, Economics and Intergovernmental Affairs Amendment Act, 1973*. ^{Short title}

BILL 81

An Act to amend
The Ministry of Treasury, Economics
and Intergovernmental Affairs Act, 1972

1st Reading

April 5th, 1973

2nd Reading

3rd Reading

THE HON. J. WHITE
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

(Government Bill)

CA20N

XB

-B 56

BILL 81

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

**An Act to amend The Ministry of Treasury,
Economics and Intergovernmental Affairs Act, 1972**

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs

TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

BILL 81

1973

**An Act to amend
The Ministry of Treasury, Economics
and Intergovernmental Affairs Act, 1972**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Ministry of *Treasury, Economics and Intergovernmental Affairs Act, 1972*, being chapter 3, is amended by adding thereto the following section:

3a.—(1) The Lieutenant Governor in Council may authorize a seal for the Treasurer and prescribe its use on documents.

(2) The seal may be reproduced by engraving, lithographing, printing or any other method of mechanical reproduction, and when so reproduced has the same force and effect as if manually affixed.

2. Section 8 of the said Act is amended by striking out “6, 7, 8, 10, 15” in the fourth line and inserting in lieu thereof “9, 11, 12, 14, 17”.

3.—(1) This Act, except section 2, comes into force on the day it receives Royal Assent.

(2) Section 2 shall be deemed to have come into force on the 1st day of April, 1972.

4. This Act may be cited as *The Ministry of Treasury, Economics and Intergovernmental Affairs Amendment Act, 1973*.

An Act to amend
The Ministry of Treasury, Economics
and Intergovernmental Affairs Act, 1972

1st Reading

April 5th, 1973

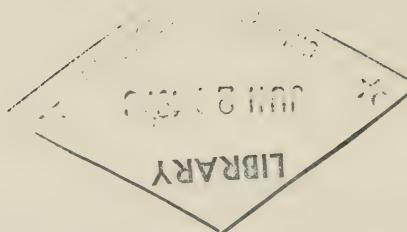
2nd Reading

May 22nd, 1973

3rd Reading

May 22nd, 1973

THE HON. J. WHITE
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs



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-B 56

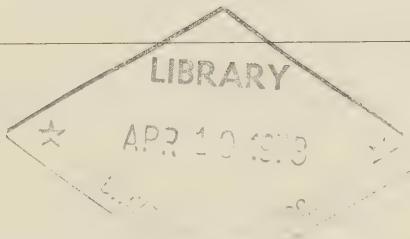
BILL 82

Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Devolution of Estates Act

THE HON. D. A. BALES
Attorney General



EXPLANATORY NOTES

SECTIONS 1 AND 2. The amendments increase the preferential share of a spouse in an intestacy from \$20,000 to \$50,000.

SECTION 3. The amendment prevents escheat to the Crown of the remainder of an intestate estate where the spouse is the only lawful heir.

BILL 82

1973

An Act to amend The Devolution of Estates Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 1 of section 11 of *The Devolution of Estates Act*, being chapter 129 of the Revised Statutes of Ontario, 1970, is amended by striking out “\$20,000” in the fourth line and inserting in lieu thereof “\$50,000”.
- (2) Subsection 2 of the said section 11 is amended by striking out “\$20,000” in the first line and in the second line and inserting in lieu thereof in each instance “\$50,000”.
- (3) Subsection 3 of the said section 11 is amended by striking out “\$20,000” in the fourth line and inserting in lieu thereof “\$50,000”.

- 2.—(1) Subsection 1 of section 12 of the said Act is amended by striking out “\$20,000” in the fourth line and inserting in lieu thereof “\$50,000”.
- (2) Subsection 2 of the said section 12 is amended by striking out “\$20,000” in the first line and in the second line and inserting in lieu thereof in each instance “\$50,000”.
- (3) Subsection 3 of the said section 12 is amended by striking out “\$20,000” in the fourth line and inserting in lieu thereof “\$50,000”.

- 3.—(1) The said Act is amended by adding thereto the following section:

31a. Where a person dies intestate in respect of all or any part of his property and is survived by a spouse, the spouse is entitled to any of such property to which, but for this section, the Crown would become entitled by escheat for lack of lawful heirs.

Application
of subs. 1

(2) Subsection 1 applies in respect of property to which the Crown became entitled before this section comes into force but which was not taken into possession before that date by the Public Trustee under *The Escheats Act*.

R.S.O. 1970,
c. 149

Commencement

4.—(1) This Act, except sections 1 and 2, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 1 and 2 come into force on the 1st day of July, 1973.

Short title

5. This Act may be cited as *The Devolution of Estates Amendment Act, 1973*.

BILL 82

An Act to amend
The Devolution of Estates Act

1st Reading

April 5th, 1973

2nd Reading

3rd Reading

THE HON. D. A. BALES
Attorney General

(*Government Bill*)

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-B 56

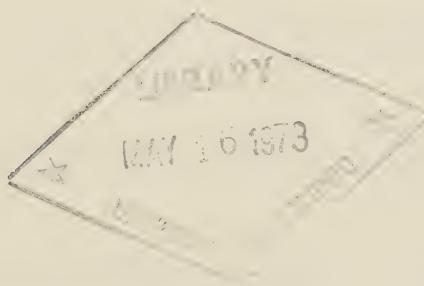
BILL 82

Government
of Ontario

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Devolution of Estates Act

THE HON. D. A. BALES
Attorney General



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

BILL 82

1973

An Act to amend The Devolution of Estates Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 1 of section 11 of *The Devolution of Estates Act*, being chapter 129 of the Revised Statutes of Ontario, 1970, is amended by striking out “\$20,000” in the fourth line and inserting in lieu thereof “\$50,000”.
- (2) Subsection 2 of the said section 11 is amended by striking out “\$20,000” in the first line and in the second line and inserting in lieu thereof in each instance “\$50,000”.
- (3) Subsection 3 of the said section 11 is amended by striking out “\$20,000” in the fourth line and inserting in lieu thereof “\$50,000”.

- 2.—(1) Subsection 1 of section 12 of the said Act is amended by striking out “\$20,000” in the fourth line and inserting in lieu thereof “\$50,000”.
- (2) Subsection 2 of the said section 12 is amended by striking out “\$20,000” in the first line and in the second line and inserting in lieu thereof in each instance “\$50,000”.
- (3) Subsection 3 of the said section 12 is amended by striking out “\$20,000” in the fourth line and inserting in lieu thereof “\$50,000”.

- 3.—(1) The said Act is amended by adding thereto the following section:

31a. Where a person dies intestate in respect of all or any part of his property and is survived by a spouse, the spouse is entitled to any of such property to which, but for this section, the Crown would become entitled by escheat for lack of lawful heirs.

Application
of subs. 1

(2) Subsection 1 applies in respect of property to which the Crown became entitled before this section comes into force but which was not taken into possession before that date by the Public Trustee under *The Escheats Act*.

R.S.O. 1970,
c. 149

Commencement

4.—(1) This Act, except sections 1 and 2, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 1 and 2 come into force on the 1st day of July, 1973.

Short title

5. This Act may be cited as *The Devolution of Estates Amendment Act, 1973*.

BILL 82

An Act to amend
The Devolution of Estates Act

1st Reading

April 5th, 1973

2nd Reading

April 12th, 1973

3rd Reading

April 12th, 1973

THE HON. D. A. BALES
Attorney General

CA20N. *Attorney*

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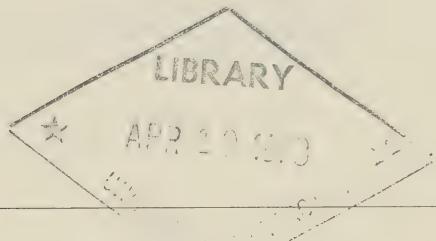
-B56

BILL 83

Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Surrogate Courts Act



THE HON. D. A. BALES
Attorney General

EXPLANATORY NOTE

The amendment dispenses with a bond where the administrator is the surviving spouse of the deceased and the estate is not in excess of the spouse's preferential share (as amended by a Bill to amend *The Devolution of Estates Act*).

An Act to amend The Surrogate Courts Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 60 of *The Surrogate Courts Act*, being chapter 451 of ^{s. 60,} ^{amended} the Revised Statutes of Ontario, 1970, is amended by adding thereto the following subsection:

(2) A bond shall not be required where the administration^{Idem} on an intestacy is granted to the surviving spouse of the deceased and where,

- (a) the net value of the estate as computed for the purposes of section 11 or 12 of *The Devolution of Estates Act* does not exceed \$50,000; and
- (b) there is filed with the application for administration an affidavit setting forth the debts of the estate.

2. This Act comes into force on the 1st day of July, 1973.

Commencement

3. This Act may be cited as *The Surrogate Courts Amendment Act, 1973.*

Short title

An Act to amend
The Surrogate Courts Act

1st Reading

April 5th, 1973

2nd Reading

3rd Reading

THE HON. D. A. BALES
Attorney General

(Government Bill)

CAZON

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-B 56

BILL 83

Government
Publications

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Surrogate Courts Act

THE HON. D. A. BALES
Attorney General



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

BILL 83

1973

An Act to amend The Surrogate Courts Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 60 of *The Surrogate Courts Act*, being chapter 451 of ^{s. 60,} ~~s. 60,~~ the Revised Statutes of Ontario, 1970, is amended by adding thereto the following subsection:

(2) A bond shall not be required where the administration ^{idem} on an intestacy is granted to the surviving spouse of the deceased and where,

(a) the net value of the estate as computed for the purposes of section 11 or 12 of *The Devolution of Estates Act* does not exceed \$50,000; and ^{R.S.O. 1970, c. 129}

(b) there is filed with the application for administration an affidavit setting forth the debts of the estate.

2. This Act comes into force on the 1st day of July, 1973.

Commencement

3. This Act may be cited as *The Surrogate Courts Amendment Act, 1973.*

BILL 83

An Act to amend
The Surrogate Courts Act

1st Reading

April 5th, 1973

2nd Reading

April 12th, 1973

3rd Reading

April 12th, 1973

THE HON. D. A. BALES
Attorney General

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-B 56

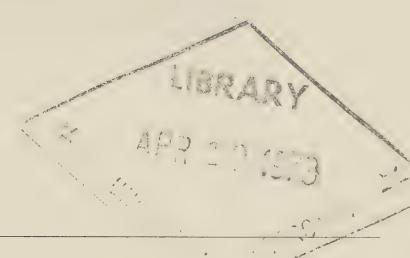
BILL 84

Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Land Titles Act

THE HON. J. T. CLEMENT
Minister of Consumer and Commercial Relations



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

SECTION 160a(1) of *The Land Titles Act* requires all new plans registered after the 1st day of April, 1973 in a land titles division to be registered under the land titles system, with certain exceptions. The amendment re-enacts the exceptions to relieve against the absolute nature of the requirement by postponing the operative date and authorizing the Director of Titles to permit registration under *The Registry Act* where registration under *The Land Titles Act* could not be completed without unreasonable delay.

BILL 84

1973

An Act to amend The Land Titles Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- Subsection 2 of section 160a of *The Land Titles Act*, being <sup>s. 160a(2),
re-enacted</sup> chapter 234 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1972, chapter 132, section 30, is repealed and the following substituted therefor:
 - the plan is presented and accepted for registration before the 1st day of January, 1974;
 - the plan is presented and accepted for registration within six months after the operation of this Act was extended to the area in which the land is situate;
 - the land included in the plan is the whole or part of the land included in a plan of subdivision registered for not more than ten years under *The Registry Act*, if the changes to be effected by the resubdivision are, in the opinion of the director of titles, of a minor nature; or
 - the registration under this Act of the land included in the plan would, in the opinion of the director of titles, result in an unreasonable delay in the registration of the plan.
- This Act shall be deemed to have come into force on the 1st day ^{commencement} of April, 1973.
- This Act may be cited as *The Land Titles Amendment Act, 1973*. ^{Short title}

An Act to amend
The Land Titles Act

1st Reading

April 5th, 1973

2nd Reading

3rd Reading

THE HON. J. T. CLEMENT
Minister of Consumer and
Commercial Relations

(Government Bill)

CA20N

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-B56

BILL 84

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Land Titles Act

THE HON. J. T. CLEMENT
Minister of Consumer and Commercial Relations

TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

BILL 84

1973

An Act to amend The Land Titles Act

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1. Subsection 2 of section 160a of *The Land Titles Act*, being <sup>s. 160a(2),
re-enacted</sup> chapter 234 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1972, chapter 132, section 30, is repealed and the following substituted therefor:
 - (a) the plan is presented and accepted for registration before the 1st day of January, 1974;
 - (b) the plan is presented and accepted for registration within six months after the operation of this Act was extended to the area in which the land is situate;
 - (c) the land included in the plan is the whole or part of the land included in a plan of subdivision registered for not more than ten years under *The Registry Act*, if the changes to be effected by the resubdivision are, in the opinion of the director of titles, of a minor nature; or
 - (d) the registration under this Act of the land included in the plan would, in the opinion of the director of titles, result in an unreasonable delay in the registration of the plan.
2. This Act shall be deemed to have come into force on the 1st day ^{Commencement} of April, 1973.
3. This Act may be cited as *The Land Titles Amendment Act, 1973*. ^{Short title}

An Act to amend
The Land Titles Act

1st Reading

April 5th, 1973

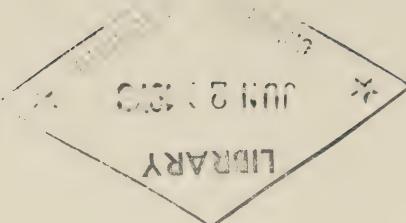
2nd Reading

May 29th, 1973

3rd Reading

May 29th, 1973

THE HON. J. T. CLEMENT
Minister of Consumer and
Commercial Relations



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BILL 85

Private Member's Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to establish The Noise Research Bureau

MRS. SCRIVENER



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The purpose of this Bill is to establish a bureau which will co-ordinate studies and research on noise measurement and control.

BILL 85

1973

**An Act to establish
The Noise Research Bureau**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

(a) "Bureau" means the Noise Research Bureau;

(b) "Minister" means the Minister of the Environment.

2.—(1) A bureau to be known as the "Noise Research ^{Bureau established} Bureau" is hereby established.

(2) The Bureau shall be composed of not fewer than seven ^{Composition} members appointed by the Lieutenant Governor in Council.

3. The Lieutenant Governor in Council may designate ^{Chairman} one of the members to be chairman of the Bureau.

4. Five members of the Bureau constitute a quorum.

Quorum

5. The Lieutenant Governor in Council may fill any ^{Vacancies} vacancy among the members of the Bureau.

6.—(1) The objects of the Bureau are and it has power,

Objects
and powers

(a) to study the public attitude towards noise in the environment;

(b) to establish noise indicator charts which will set out the maximum safe or desirable sound pressure levels for certain sources in the environment;

(c) to study and evaluate the weighting of the decibel scale so as to best reflect the effects of noise on man;

(d) to establish methods of accurately identifying individual sources of noise;

- (e) to study and develop criteria for evaluating vibration in the environment;
- (f) to co-ordinate future noise research studies and studies now being carried out under government research grants;
- (g) to inform the Minister as to the results of any study made by the Bureau; and
- (h) to compile, evaluate and disseminate information respecting the recognition and prevention of noise pollution in the environment.

Further powers

(2) Subject to the approval of the Lieutenant Governor in Council, for the furtherance of its objects, the Bureau may enter into agreements with universities, corporations or persons for the experimentation in methods of evaluating and reducing noise.

By-laws

7. The Bureau may make such by-laws as are considered expedient for its constitution and the administration of its affairs, and may do such other things as are considered necessary or advisable to carry out its objects.

Annual report

8. The Bureau shall make a report annually to the Minister who shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

Commencement

9. This Act comes into force on the day it receives Royal Assent.

Short title

10. This Act may be cited as *The Noise Research Bureau Act, 1973.*

An Act to establish
The Noise Research Bureau

1st Reading

April 9th, 1973

2nd Reading

3rd Reading

MRS. SCRIVENER

(Private Member's Bill)

CAZON

XB

-B 56

BILL 86

Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

**An Act to amend
The Compensation for Victims of Crime Act, 1971**

THE HON. D. A. BALES
Attorney General



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTION 1. Self-explanatory.

SECTION 2. The new provision is similar to that contained in corresponding legislation in New Zealand and in the uniform Act recommended by the Conference of Commissioners on Uniformity of Legislation in Canada.

SECTION 3. The new provision permits awards in favour of minors or persons of unsound mind to be paid to and administered by the Public Trustee or other responsible person. It is similar to section 50 of *The Workmen's Compensation Act* which applies to similar payments by the Workmen's Compensation Board.

BILL 86

1973

**An Act to amend The Compensation
for Victims of Crime Act, 1971**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 17 of *The Compensation for Victims of Crime Act, 1971*,^{s. 17, amended} being chapter 51, is amended by adding thereto the following subsection:

(1a) The Board may, in its discretion, refuse to make an ^{Idem} order for compensation where it is satisfied that the applicant has refused reasonable co-operation with, or failed to report promptly the offence to, a law enforcement agency.

2. The said Act is amended by adding thereto the following section: ^{s. 19a, enacted}

19a. Any money paid or payable by way of compensation under this Act or held by the Public Trustee or other person ^{Award not subject to garnishment, etc.} under an order made by the Board under subsection 3 of section 20 is not subject to garnishment, attachment, execution, set-off or any other legal process and the right thereto is not assignable.

3. Section 20 of the said Act is amended by adding thereto the ^{s. 20, amended} following subsection:

(3) If a person entitled to an award under this Act is under ^{Payments in case of minor, etc.} the age of eighteen years or is of unsound mind or in the opinion of the Board is incapable of managing his own affairs, any amount payable to him may be paid on his behalf to his parent, spouse or committee or to the Public Trustee or may be paid to such other person or applied in such manner as the Board considers in the best interest of such person, and amounts so paid shall be received and administered by the payee for the benefit of the person.

4. This Act comes into force on the day it receives Royal Assent. ^{Commencement}

5. This Act may be cited as *The Compensation for Victims of Crime Amendment Act, 1973*. ^{Short title}

BILL 86

An Act to amend
The Compensation for Victims
of Crime Act, 1971

1st Reading

April 9th, 1973

2nd Reading

3rd Reading

THE HON. D. A. BALES
Attorney General

(Government Bill)

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-B56

BILL 86

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

**An Act to amend
The Compensation for Victims of Crime Act, 1971**

THE HON. D. A. BALES
Attorney General

TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

BILL 86

1973

**An Act to amend The Compensation
for Victims of Crime Act, 1971**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 17 of *The Compensation for Victims of Crime Act, 1971*,^{s. 17, amended} being chapter 51, is amended by adding thereto the following subsection:

(1a) The Board may, in its discretion, refuse to make an ^{Idem} order for compensation where it is satisfied that the applicant has refused reasonable co-operation with, or failed to report promptly the offence to, a law enforcement agency.

2. The said Act is amended by adding thereto the following section:^{s. 19a, enacted}

19a. Any money paid or payable by way of compensation under this Act or held by the Public Trustee or other person ^{Award not subject to garnishment, etc.} under an order made by the Board under subsection 3 of section 20 is not subject to garnishment, attachment, execution, set-off or any other legal process and the right thereto is not assignable.

3. Section 20 of the said Act is amended by adding thereto the ^{s. 20, amended} following subsection:

(3) If a person entitled to an award under this Act is under ^{Payments in case of minor, etc.} the age of eighteen years or is of unsound mind or in the opinion of the Board is incapable of managing his own affairs, any amount payable to him may be paid on his behalf to his parent, spouse or committee or to the Public Trustee or may be paid to such other person or applied in such manner as the Board considers in the best interest of such person, and amounts so paid shall be received and administered by the payee for the benefit of the person.

4. This Act comes into force on the day it receives Royal Assent. ^{Commencement}
5. This Act may be cited as *The Compensation for Victims of Crime Amendment Act, 1973*. ^{Short title}

BILL 86

An Act to amend
The Compensation for Victims
of Crime Act, 1971

1st Reading

April 9th, 1973

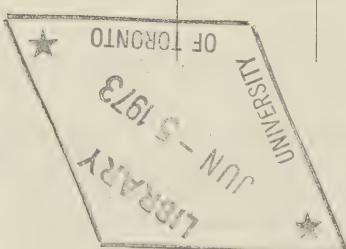
2nd Reading

April 12th, 1973

3rd Reading

May 22nd, 1973

THE HON. D. A. BALES
Attorney General



CA20N

XB

-B 56

BILL 87

Private Member's Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to proclaim Arbour Day

MR. WARDLE



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The Bill creates Arbour Day and sets out the objects of its observation.

BILL 87**1973****An Act to proclaim Arbour Day**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The last Friday in April of each year shall be observed ^{Arbour Day proclaimed} under the name of Arbour Day for the purpose of encouraging,
 - (a) the beautification of Ontario by the use of trees;
 - (b) the landscaping, painting and cleaning of industrial plants, public institutions and private homes;
 - (c) the appreciation of the beauty and use of trees;
 - (d) the stimulation of interest in and knowledge of trees; and
 - (e) the planting, preservation and conservation of trees.
2. This Act comes into force on the day it receives Royal ^{Commencement} Assent.
3. This Act may be cited as *The Arbour Day Act, 1973*. Short title

An Act to proclaim Arbour Day

1st Reading

April 9th, 1973

2nd Reading

3rd Reading

MR. WARDLE

(*Private Member's Bill*)

CA20N

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-B56

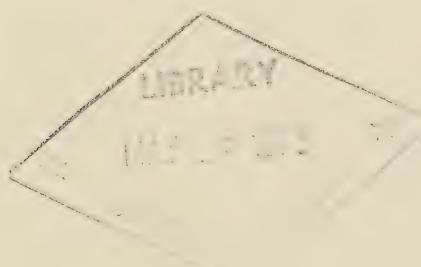
BILL 88

Private Member's Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Highway Traffic Act

MR. DREA



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The Bill makes it an offence to alter the reading on an odometer installed in a motor vehicle.

BILL 88**1973****An Act to amend The Highway Traffic Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 41 of *The Highway Traffic Act*, being chapter 202 of ^{s. 41,} ~~amended~~ the Revised Statutes of Ontario, 1970, is amended by adding thereto the following subsections:

(5) No person shall alter the reading on an odometer where ^{Altering of} ~~odometer~~ the odometer is installed on a motor vehicle.

(6) Every person who contravenes the provisions of subsection 5 is guilty of an offence and on summary conviction is liable to a fine of not less than \$500 and not more than \$1,000.

2. This Act comes into force on the day it receives Royal Assent. ^{Commencement}
3. This Act may be cited as *The Highway Traffic Amendment Act*, ^{Short title} 1973.

An Act to amend
The Highway Traffic Act

1st Reading

April 10th, 1973

2nd Reading

3rd Reading

MR. DREA

(*Private Member's Bill*)

CA20N

XB

BILL 89

Private Member's Bill

-B 56

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

**An Act to establish the Ontario Waste Disposal
and Reclamation Commission**

MR. NEWMAN (Windsor-Walkerville)



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The Bill establishes the Ontario Waste Disposal and Reclamation Commission.

BILL 89

1973

An Act to establish the Ontario Waste Disposal and Reclamation Commission

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

(a) "Commission" means the Ontario Waste Disposal and Reclamation Commission;

(b) "Minister" means the Minister of the Environment.

2.—(1) A Commission to be known as the "Ontario Waste Disposal and Reclamation Commission" is hereby established.

(2) The Commission shall be composed of not fewer than seven members appointed by the Lieutenant Governor in Council.

3. The Lieutenant Governor in Council may designate one of the members to be chairman of the Commission.

4. Five members of the Commission constitute a quorum.

5. The Lieutenant Governor in Council may fill any vacancy among the members of the Commission.

6.—(1) The objects of the Commission are and it has power, ^{Objects and powers}

(a) to provide solid waste disposal and reclamation services throughout the province, including incineration and landfill;

(b) to develop procedures and establish plants for the reclamation and recycling of paper, metal, glass and other materials;

Further powers

(c) to study methods of marketing reclaimed materials; and

(d) to provide waste collection services in areas where it would be uneconomical for local authorities to do so.

By-laws

(2) Subject to the approval of the Lieutenant Governor in Council, for the furtherance of its objects, the Commission may enter into agreements with universities, corporations or persons for the experimentation in methods of evaluating and reducing noise.

Annual report

7. The Commission may make such by-laws as are considered expedient for its constitution and the administration of its affairs, and may do such other things as are considered necessary or advisable to carry out its objects.

Commencement

8. The Commission shall make a report annually to the Minister who shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

Short title

9. This Act comes into force on the day it receives Royal Assent.

10. This Act may be cited as *The Ontario Waste Disposal and Reclamation Commission Act, 1973*.

BILL 89

An Act to establish the Ontario Waste Disposal and Reclamation Commission

1st Reading

April 10th, 1973

2nd Reading

3rd Reading

MR. NEWMAN (Windsor-Walkerville)

(Private Member's Bill)

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Government

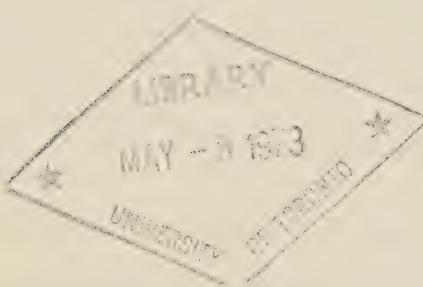
BILL 90

Private Member's Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Judicature Act

MR. ROY



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The Bill authorizes the use of the French language in writs, pleadings and proceedings in court in certain instances.

BILL 90

1973

An Act to amend The Judicature Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 127 of *The Judicature Act*, being chapter 228 of the ^{s.127,} ^{re-enacted} Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

PLEADINGS TO BE IN ENGLISH OR FRENCH

127.—(1) Subject to subsection 2, writs, pleadings and proceedings in all courts shall be in the English language only, ^{Writs,} ^{pleadings} ^{and} ^{proceedings} ^{in English} but the proper or known names of writs or other process, or technical words, may be in the same language as has been commonly used.

(2) Writs, pleadings and proceedings may be in the French language in all courts where, ^{Writs,} ^{pleadings} ^{and} ^{proceedings} ^{in French}

(a) a consent in writing signed by all parties to the action is filed with the court, authorizing the use of the French language; and

(b) the court is located in a geographic area in Ontario which is designated as a bilingual region by the Government of Canada or where at least 10 per cent of the residents in the area have indicated French as their first language according to the most recent population census of the Government of Canada ^{R.S.C. 1970,} ^{c. S-16} under the *Statistics Act*.

2. This Act comes into force on the day it receives Royal Assent. ^{Commencement}

3. This Act may be cited as *The Judicature Amendment Act, 1973.* ^{Short title}

An Act to amend The Judicature Act

1st Reading

April 10th, 1973

2nd Reading

3rd Reading

MR. ROY

(*Private Member's Bill*)

CA20N

XB

-B 56

BILL 91

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to control the Use of Pesticides

THE HON. J. A. C. AULD
Minister of the Environment

TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

BILL 91

1973

An Act to control the Use of Pesticides

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

1. "air" means open air not enclosed in a building, structure, machine, chimney, stack, flue or vehicle;
2. "Board" means the Pesticides Appeal Board;
3. "Committee" means the Pesticides Advisory Committee;
4. "Director" means the officer of the Ministry designated by the Minister to perform the functions of the Director under this Act;
5. "environment" means the natural environment, a building, structure, machine and vehicle, or any of them;
6. "extermination" means a land extermination, structural extermination or a water extermination;
7. "extermination business" means an activity or enterprise carried on for the purpose of causing an extermination or exterminations to be performed for fee or payment;
8. "exterminator" means a person who, by himself or by his employees, assistants or agents, performs or enters into a contract to perform an extermination;
9. "land" means surface land not enclosed in a building or structure, land covered by water and all subsoil, or any combination or part thereof;

10. “land extermination” means the destruction, prevention or control in, on or over land of a pest or pests by the use of a pesticide but does not include a structural extermination, a water extermination or the destruction, prevention or control of termites;
11. “licence” means a licence issued under this Act and the regulations;
12. “licensee” means a person who is the holder of a licence under this Act;
13. “Minister” means the Minister of the Environment;
14. “Ministry” means the Ministry of the Environment;
15. “natural environment” means the air, land and water, or any combination or part thereof, of the Province of Ontario;
16. “operator” means a person who has the control and management of an extermination business, and “operate” has a corresponding meaning;
17. “permittee” means a person who is the holder of a permit under this Act;
18. “person” includes a municipality, a corporation on behalf of Her Majesty in right of Ontario, and an agent of any of them;
19. “person responsible”, when used with reference to a pesticide, substance or thing, means,
 - (i) the owner,
 - (ii) the person having the charge, management or control of the handling, storage, use, disposal, transportation or display, or
 - (iii) the person having the charge, management or control,

of the pesticide, substance or thing;
20. “pest” means any injurious, noxious or troublesome plant or animal life other than man or plant or animal life on or in man and includes any injurious, noxious or troublesome organic function of a plant or animal;

21. "pesticide" means any organism, substance or thing that is manufactured, represented, sold or used as a means of directly or indirectly controlling, preventing, destroying, mitigating, attracting or repelling any pest or of altering the growth, development or characteristics of any plant life that is not a pest and includes any organism, substance or thing registered under the *Pest Control Products Act*^{R.S.C. 1970, c. P-10} (Canada);

22. "prescribed" means prescribed by the regulations;

23. "provincial officer" means a person who is designated under section 17;

24. "regulations" means the regulations made under this Act;

25. "structural extermination" means the destruction, prevention or control of a pest that may adversely affect a building, structure, machine, vehicle or their contents or the use or enjoyment thereof by any person by the use of a pesticide in, on or in the vicinity of the building, structure, machine or vehicle and includes the destruction, prevention or control of termites;

26. "water" means surface water and ground water, or either of them;

27. "water extermination" means the destruction, prevention or control in, on or over surface water of a pest by the use of a pesticide. R.S.O. 1970, c. 346, s. 1, *amended*.

2. The Minister, for the purpose of the administration of this Act and the regulations, may, Powers and duties of Minister

- (a) investigate problems relating to pesticides and the control of pests;
- (b) conduct research relating to pesticides and the control of pests;
- (c) conduct studies of the effect of pesticides and the control of pests on the quality of the environment;
- (d) convene conferences and conduct seminars and educational programs relating to pesticides and the control of pests;

- (e) gather, publish and disseminate information relating to pesticides and the control of pests;
- (f) make grants and loans for research related to pesticides and the control of pests in such amounts and upon such terms and conditions as the regulations may prescribe;
- (g) appoint committees to perform such advisory functions as the Minister considers requisite;
- (h) with the approval of the Lieutenant Governor in Council, enter into an agreement with any government or person relating to pesticides or the control of pests. *New.*

Prohibition

3. No person, whether acting or not acting under the authority of a licence or permit under this Act or an exemption under the regulations, shall deposit, add, emit or discharge or cause or permit the deposit, addition, emission or discharge of a pesticide or of any substance or thing containing a pesticide into the environment that,

- (a) causes or is likely to cause impairment of the quality of the environment for any use that can be made of it greater than the impairment, if any, for such use that would necessarily result from the proper use of the pesticide;
- (b) causes or is likely to cause injury or damage to property or to plant or animal life greater than the injury or damage, if any, that would necessarily result from the proper use of the pesticide;
- (c) causes or is likely to cause harm or material discomfort to any person greater than the harm or material discomfort, if any, that would necessarily result from the proper use of the pesticide;
- (d) adversely affects or is likely to affect adversely the health of any person to a greater degree than the adverse effect, if any, that would necessarily result from the proper use of the pesticide;
- (e) impairs or is likely to impair the safety of any person to a greater degree than the impairment, if any, of the safety of any person that would necessarily result from the proper use of the pesticide; or

(f) renders or is likely to render, directly or indirectly, any property or plant or animal life unfit for use by man to a degree greater than the unfitness, if any, that would necessarily result from the proper use of the pesticide. *New.*

4.—(1) No person shall engage in, perform or offer to perform an extermination except under and in accordance with a licence of a prescribed class and except by the use of a pesticide of a class and under the conditions for use prescribed for that class of licence or unless exempt under the regulations.

(2) No person shall operate an extermination business except under and in accordance with a licence of a prescribed class or unless exempt under the regulations.

(3) No person shall serve for a period of more than six months as an assistant to the holder of a licence to perform structural exterminations unless the person is licensed as an assistant exterminator or is exempt under the regulations.

(4) No person shall serve for a period of more than seven days as an assistant to the holder of a licence to perform land exterminations or water exterminations unless the holder of the licence to perform the exterminations notifies the Director in writing or the person is exempt under the regulations. R.S.O. 1970, c. 346, s. 2, *amended.*

5. Unless exempt by the regulations, no person shall sell, offer to sell or transfer any pesticide unless the pesticide is classified by the regulations and except under and in accordance with a licence that shall be for such class and in respect of each premises on, in or from which the pesticide is or will be sold, offered for sale or transferred. *New.*

6.—(1) No person shall perform a land extermination or a structural extermination,

- (a) by means of a pesticide;
- (b) by means of a pesticide of a class; or
- (c) under the conditions of use,

prescribed for the purpose of this section unless he is the holder of a permit for the land extermination or the structural extermination issued by the Director or he is exempt under the regulations.

Idem	(2) No person shall perform a water extermination unless he is the holder of a permit issued by the Director for the water extermination or is exempt under the regulations. <i>New.</i>
Responsibility for acts or omissions	7. For the purpose of this Act and the regulations, every person is, with respect to any matter under this Act and the regulations, responsible for the acts or omissions of his employees and agents within the scope of their actual or apparent authority. R.S.O. 1970, c. 346, s. 3, <i>amended</i> .
Liability insurance	8. An operator shall insure against liability or furnish a bond as provided for by the regulations. R.S.O. 1970, c. 346, s. 4.
Advisory Committee	9. —(1) The Committee known as the Pesticides Advisory Committee established under <i>The Pesticides Act</i> , being chapter 346 of the Revised Statutes of Ontario, 1970, and consisting of not fewer than ten members appointed by the Lieutenant Governor in Council one of whom may be designated by the Lieutenant Governor in Council as chairman and for whom the Lieutenant Governor in Council may appoint a person who is not a member as secretary, is continued.
Quorum	(2) Six members of the Committee constitute a quorum.
Functions	(3) The Committee shall, <ul style="list-style-type: none"> (a) review annually the content and operation of this Act and the regulations and recommend changes or amendments therein to the Minister; (b) inquire into and consider any matter the Committee considers advisable concerning pesticides and the control of pests, and any matter concerning pesticides and the control of pests referred to it by the Minister, and report thereon to the Minister; (c) review publications of the Government of Ontario respecting pesticides and the control of pests, and report thereon to the Minister; and (d) perform such other functions as the regulations prescribe. R.S.O. 1970, c. 346, s. 5, <i>amended</i>.
Issuance of licence or permit	10. —(1) Subject to subsection 2, the Director shall issue or renew a licence under section 4 or 5, and subject to subsection 3, the Director shall issue a permit under section 6 to any person who applies for the licence or permit, as the case may be, in accordance with the regulations and who meets

the requirements of this Act and the regulations for the particular class of licence or for the permit applied for and who pays the fee prescribed for the licence or permit.

(2) Subject to section 13, the Director may refuse to issue ^{Revocation and refusal} or renew a licence or may suspend or revoke a licence where, ^{of licence} in the opinion of the Director,

- (a) the applicant or licensee is in contravention of this Act or the regulations;
- (b) the licensee is in breach of any term or condition of the licence;
- (c) the applicant or licensee or, where the applicant or licensee is a corporation, its officers or directors, is or are not competent to carry on the activity that would be or is authorized by the licence;
- (d) the past conduct of the applicant or licensee or, where the applicant or licensee is a corporation, of any of its officers or directors, affords reasonable grounds for belief that the activity that would be or is authorized by the licence will not be carried on with honesty and integrity;
- (e) the applicant or licensee does not possess or will not have available all premises, facilities and equipment necessary to carry on the activity authorized by the licence in accordance with this Act, the regulations and the licence;
- (f) the applicant or licensee is not in a position to observe or carry out the provisions of this Act, the regulations and the licence;
- (g) the licensee has been grossly negligent in carrying on the activity that is authorized by the licence; or
- (h) the licensee has fraudulently misrepresented his services in performing an extermination or in carrying on an extermination business. 1971, c. 50, s. 66 (2), *part, amended.*

(3) The Director may refuse to issue or may cancel a permit, ^{Revocation and refusal} or permit may impose terms and conditions in issuing or after issuing of a permit and may alter the terms and conditions of a permit that has been issued where the Director is of the opinion, upon reasonable and probable grounds that,

- (a) the applicant or permittee is not competent to perform the extermination for which the permit is required;
- (b) the applicant or permittee does not possess or will not have available all facilities and equipment necessary to perform the extermination in accordance with this Act, the regulations and the permit;
- (c) there is or is likely to be danger to the health or safety of any person;
- (d) there is or is likely to be harm or material discomfort to any person;
- (e) there is or is likely to be impairment of the quality of the environment for any use that is being or is likely to be made of it;
- (f) there is or is likely to be injury or damage to any property or to plant or animal life;
- (g) any property or plant or animal life is or is likely to be rendered, directly or indirectly, unfit for use by man;
- (h) a different method of control or extermination will or will likely be substantially as effective as the proposed extermination for which a permit is required under section 6 and will or will likely cause less impairment of the environment, if any, for any use that is being or is likely to be made of it or less harm to or adverse effect, if any, on any plant or animal life, man or property; or
- (i) the use of the pesticide will not be or will not likely be effective or necessary to carry out the extermination. *New.*

Term of
licence

11. A licence expires on the 15th day of February in the year next following the year in which it was issued. 1971, c. 50, s. 66 (2), *part, amended.*

Pesticides
Appeal
Board

12.—(1) The Lieutenant Governor in Council shall appoint a board, consisting of not more than seven members, to be known as the Pesticides Appeal Board who shall hold office during pleasure and none of whom shall be members of the public service in the employ of the Ministry.

(2) The Lieutenant Governor in Council may appoint one of ^{Chairman} the members of the Board as chairman.

(3) Four members of the Board constitute a quorum. ^{Quorum}

(4) Such employees as are required for the purposes of the ^{Appointment of staff} Board may be appointed under *The Public Service Act*. ^{New. R.S.O. 1970, c. 386}

13.—(1) Where the Director proposes,

^{Proposal to refuse to issue licence, etc.}

(a) to refuse to issue or renew a licence;

(b) to suspend or revoke a licence; or

(c) to make, amend or vary a control order,

he shall serve notice of his proposal, together with written reasons therefor, on the applicant, licensee or person to whom the Director intends to direct the control order.

(2) A notice under subsection 1 shall inform the applicant, ^{Notice} licensee or person to whom the Director intends to direct the control order that he is entitled to a hearing by the Board if he mails or delivers to the Director and the Board, within fifteen days after the notice under subsection 1 is served on him, notice in writing requiring a hearing, and he may so require such a hearing.

(3) Where an applicant, licensee or person to whom the ^{Powers of Director where no hearing} Director intends to direct the control order does not require a hearing by the Board in accordance with subsection 2, the Director may carry out the proposal stated in his notice under subsection 1.

(4) Where an applicant, licensee or person to whom the ^{Powers of Board where hearing} Director intends to direct the control order requires a hearing by the Board in accordance with subsection 2, the Board shall appoint a time and place for and hold the hearing and may by order direct the Director to carry out his proposal or refrain from carrying out his proposal and to take such action as the Board considers the Director ought to take in accordance with this Act and the regulations, and for such purposes the Board may substitute its opinion for that of the Director.

(5) The Board may extend the time for the giving of notice ^{Extension of time for requiring hearing} requiring a hearing by an applicant, licensee or person to whom the Director intends to direct a control order referred to in subsection 1, either before or after the expiration of such time, where it is satisfied that there are reasonable grounds

for applying for the extension and that there are *prima facie* grounds for granting relief to the applicant, licensee or person to whom the Director intends to direct the control order referred to in subsection 1, and the Board may give such directions as it considers proper consequent upon the extension.

Continuation of licence pending renewal (6) Where, within the time prescribed therefor or, if no time is prescribed, before expiry of his licence, a licensee has applied for a renewal of his licence and paid the prescribed fee, his licence shall be deemed to continue,

- (a) until the renewal is granted; or
- (b) where he is served with notice that the Director proposes to refuse to grant the renewal, until the time for giving notice requiring a hearing by the Board has expired and, where a hearing is required, until the Board has made its decision. 1971, c. 50, s. 66 (3), *part*.

Emergency notice (7) Notwithstanding subsection 6, where the Director is of the opinion that an emergency exists by reason of,

- (a) danger to the safety or health of any person;
- (b) impairment or immediate risk of impairment of the environment for any use that is being or is likely to be made of it;
- (c) injury or damage or immediate risk of injury or damage to property, or to plant or animal life;
- (d) the rendering or immediate risk of rendering, directly or indirectly, of any property or plant or animal life unfit for use by man; or
- (e) a failure by a licensee to have in force insurance against liability or to furnish or have in force a bond as required by section 8,

the Director, by a notice to a licensee or to a person to whom the Director intends to direct a control order, together with written reasons therefor, may refuse to renew, suspend or revoke a licence or make, amend or vary a control order and, notwithstanding that the licensee or person to whom the control order is directed requires a hearing by the Board, the licence shall not be deemed to continue or the suspension, revocation or the making, amendment or variation of the control order is effective upon the service of the notice, as the case requires.

(8) Where the Director refuses to issue or cancels a permit or imposes or alters a term or condition in a permit that has been issued, he shall forthwith thereafter serve or cause to be served notice of his decision, upon the applicant or permittee, together with written reasons therefor.

Where permit
cancelled or
terms or
conditions
imposed or
altered

(9) Where the Director issues a permit subject to a term or condition, refuses to issue or cancels a permit or imposes or alters a term or condition in a permit that has been issued and the applicant or permittee makes submissions to the Director, the Director, within three days after receiving the submissions, shall reconsider and vary, rescind or confirm his decision and shall serve or cause to be served notice of such variance, rescission or confirmation upon the applicant or permittee together with written reasons therefor and where the Director varies or rescinds his decision, he shall take such action as may be necessary to make the variation or rescission effective.

Reconsideration

(10) A permit issued by the Director subject to a term or condition and a notice under subsection 8 shall inform the applicant or permittee that he is entitled to make submissions to the Director, in person or by an agent and by telephone or otherwise and that he is entitled to a hearing by the Board if he mails or delivers to the Director and the Board, within fifteen days after the notice under subsection 9 is served on him, notice in writing requiring a hearing and he may so make such submissions and so require such a hearing.

Notice

(11) Notwithstanding the making of submissions by an applicant or a permittee pursuant to subsection 10, the issuance of a permit subject to a term or condition or the cancellation of a permit or the imposition or alteration of a term or condition in a permit that has been issued by the Director is effective upon the issuance of the permit or upon the service of the notice under subsection 8.

Effect of
service of
notice

(12) Subsections 4 and 5 apply *mutatis mutandis* to a hearing by the Board required under subsection 10. 1971, subss. 4, 5, to apply c. 50, s. 66 (3), *part, amended*.

14.—(1) The Director, the applicant, licensee, permittee or person to whom the Director intends to direct a control order who has required a hearing and such other persons as the Board may specify are parties to proceedings before the Board under section 13.

Parties

(2) Notice of a hearing under section 13 shall afford to the applicant, licensee, permittee or person to whom the Director intends to direct a control order a reasonable

Notice of
hearing

opportunity to show or to achieve compliance before the hearing with all lawful requirements for the issue or retention of the licence or permit or to take such action as will preclude the necessity for making, amending or varying the control order.

Examination of documentary evidence

(3) An applicant, licensee, permittee or person to whom the Director intends to direct a control order who is a party to proceedings under section 13 shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing.

Members holding hearing not to have taken part in investigation, etc.

(4) Members of the Board holding a hearing shall not have taken part before the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but the Board may seek legal advice from an adviser independent from the parties and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law.

Recording of evidence

(5) The oral evidence taken before the Board at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court.

Findings of fact

1971, c. 47

(6) The findings of fact of the Board pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*.

Only members at hearing to participate in decision

(7) No member of the Board shall participate in a decision of the Board pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Board shall be given unless all members so present participate in the decision.

Release of documentary evidence

(8) Documents and things put in evidence at the hearing shall, upon the request of the person who produced them, be released to him by the Board within a reasonable time after the matter in issue has been finally determined. 1971, c. 50, s. 66 (3), *part, amended*.

Appeal to court

15.—(1) Any party to proceedings before the Board may appeal from its decision or order on a question of law to the Supreme Court in accordance with the rules of court.

(2) Where any party appeals from a decision or order of the Board, the Board shall forthwith file in the Supreme Court in court record to be filed the record of the proceedings before it in which the decision was made, which, together with the transcript of the evidence if it is not part of the Board's record, shall constitute the record in the appeal.

(3) The Minister is entitled to be heard by counsel or Minister entitled to be heard otherwise upon the argument of an appeal under subsection 1.

(4) Any party to a hearing before the Board, within thirty days after receipt of the decision of the Board or within thirty days after final disposition of an appeal, if any, under subsection 1, may appeal in writing to the Minister on any matter other than a question of law and the Minister shall confirm, alter or revoke the decision of the Board as to the matter in appeal as he considers in the public interest. 1971, c. 50, s. 66 (3), *part, amended.*

16.—(1) No action or other proceeding for damages shall be instituted against the Director, any member of the Board or of the Committee or anyone acting under the direction of such Director or member for any act done in good faith in the execution or intended execution of his duty or for any alleged neglect or default in the execution in good faith of his duty. R.S.O. 1970, c. 346, s. 15.

(2) Subsection 1 does not, by reason of subsections 2 and 4 of section 5 of *The Proceedings Against the Crown Act*, relieve the Crown of liability in respect of a tort committed by an agent or servant of the Crown to which it would otherwise be subject and the Crown is liable under that Act for any such tort in a like manner as if subsection 1 had not been enacted. 1971, c. 50, s. 66 (4).

17.—(1) The Minister may designate in writing one or more officers or employees of the Ministry or other persons as provincial officers for the purposes of this Act and the regulations.

(2) For the purpose of the administration of this Act and the regulations, a provincial officer may, from time to time and upon production of his designation, enter at any reasonable time any building, structure, machine, vehicle, land, water or air and make or require to be made such surveys, examinations, investigations, tests and inquiries, including examinations of books, records and documents, as he considers necessary, and may make, take and remove or may require to be made, taken or removed samples, copies or extracts, and the Crown is liable for any damage or actual costs occasioned thereby.

Order authorizing entry (3) Where a provincial judge is satisfied, upon an *ex parte* application by a provincial officer, that there is reasonable ground for believing that it is necessary to enter any building, structure, machine, vehicle, land, water or air for the administration of this Act or the regulations, the provincial judge may issue an order authorizing a provincial officer to enter therein or thereon and to make or require to be made such surveys, examinations, investigations, tests and inquiries and to take the other actions as are mentioned in subsection 2, but every such entry, survey, examination, investigation, test, inquiry and other such action shall be made or taken between sunrise and sunset unless the provincial judge authorizes the provincial officer, by the order, to so act at another time.

Information (4) Every person responsible for a pesticide or for a substance or thing containing a pesticide that is the subject of an investigation by a provincial officer, and every person who assists such a person, shall furnish such information as the provincial officer requires for the purpose of the investigation.

Obstruction of provincial officer (5) No person who is responsible for a pesticide or for a substance or thing containing a pesticide or who assists such a person shall hinder or obstruct a provincial officer in the lawful performance of his duties or furnish a provincial officer with false information. *New.*

Calling for assistance of member of police force **18.** Whenever a provincial officer is required or empowered by this Act or the regulations to do or direct the doing of anything, such provincial officer may take such steps and employ such assistance as is necessary to accomplish what is required, and may, when obstructed in so doing, call for the assistance of any member of the Ontario Provincial Police Force or the police force in the area where the assistance is required and it is the duty of every member of a police force to render such assistance. *New.*

Matters confidential **19.** Except as to information in respect of,

- (a) impairment or potential impairment of the quality of the environment for any use that can be made of it; or
- (b) harm or potential harm to or an adverse effect on any person, living thing or any property,

arising from or likely to arise from the handling, storage, use, disposal, transportation or display of a pesticide or a substance or thing containing a pesticide, every provincial officer shall preserve secrecy in respect of all matters that

come to his knowledge in the course of an examination, test or inquiry of or into any matter under this Act or the regulations and shall not communicate any such matter to any person except,

- (c) as may be required in connection with the administration of this Act and the regulations or any proceedings under this Act or the regulations;
- (d) to his counsel; or
- (e) with the consent of the person who is responsible for the handling, storage, use, disposal, transportation or display of the pesticide, substance or thing. *New.*

20.—(1) Where the Director or a provincial officer is of the ^{stop order} opinion, upon reasonable and probable grounds, that an emergency exists by reason of,

- (a) danger to the health or safety of any person;
- (b) impairment or immediate risk of impairment of the quality of the environment for any use that is being or is likely to be made of it;
- (c) injury or damage or immediate risk of injury or damage to any property or to any plant or animal life; or
- (d) the rendering or the immediate risk of rendering, directly or indirectly, any property or plant or animal life unfit for use by man,

consequent upon the handling, storage, use, disposal, transportation or display of a pesticide or a substance or thing containing a pesticide, the Director or provincial officer, as the case may be, may make an oral or written stop order directed to the person responsible for the pesticide or the substance or thing containing the pesticide ordering such person to stop immediately the handling, storage, use, disposal, transportation or display of the pesticide or the substance or thing containing the pesticide either permanently or for a specific period of time. 1971, c. 50, s. 66 (7), *amended*.

(2) A person who is affected by a stop order made by a provincial officer under subsection 1 may appeal therefrom in person or by an agent and by telephone or otherwise to the Director and the Director, after receiving the submissions of the person and of the provincial officer, shall vary, rescind or confirm the stop order of the provincial officer. R.S.O. 1970, c. 346, s. 20, *amended*.

Written reasons for order	(3) Where the Director makes a stop order or varies or confirms a stop order pursuant to subsection 2, the Director shall forthwith thereafter serve or cause to be served a written copy of the stop order or a written copy of the stop order as varied or confirmed, as the case requires, together with written reasons therefor, upon the person to whom the stop order or the stop order as varied or confirmed is directed.
Notice	(4) A stop order, or a stop order as varied or confirmed, under subsection 3 shall inform the person to whom it is directed that he is entitled to a hearing by the Board if he mails or delivers to the Director and the Board, within fifteen days after a copy of the stop order, or the stop order as varied or confirmed, under subsection 3, is served on him, notice in writing requiring a hearing and he may so require such a hearing. <i>New.</i>
Effect of stop order	(5) Notwithstanding that an appeal is taken against a stop order, the stop order is effective at and from the time it is communicated to the person to whom it is directed until confirmed, varied or rescinded on appeal and such person shall comply with the stop order immediately. 1971, c. 50, s. 66 (8), <i>amended.</i>
Appeal to Board	(6) Where the Director has made a stop order or has varied or confirmed upon appeal to the Director a stop order made by a provincial officer, any person to whom the order is directed may, by written notice mailed to or served upon the Director and the Board within fifteen days after service upon him of a copy of the stop order or of the stop order as varied or confirmed, as the case requires, require a hearing by the Board.
Powers of Board where hearing	(7) Where a person to whom a stop order is directed requires a hearing by the Board in accordance with subsection 6, the Board shall appoint a time and place for and hold the hearing and the Board may by order confirm, alter or rescind the order of the Director and for such purposes the Board may substitute its opinion for that of the Director.
Parties	(8) The Director, the person who has required the hearing and such other persons as the Board may specify are parties to proceedings before the Board under this section.
Application of ss. 13 (5), 14 (2-8) and 15	(9) Subsection 5 of section 13, subsections 2, 3, 4, 5, 6, 7 and 8 of section 14 and section 15 apply <i>mutatis mutandis</i> to proceedings under this section.
Revocation of stop order	(10) The Director, by an order, may rescind a stop order and in such case shall serve or cause to be served a copy of the rescinding order upon the person to whom the stop order was directed. <i>New.</i>

21.—(1) Where the handling, storage, use, disposal, trans-^{Control order}portation or display of a pesticide or a substance or thing containing a pesticide,

- (a) causes or is likely to cause impairment of the quality of the environment for any use that is being or is likely to be made of it;
- (b) causes or is likely to cause injury or damage to property or to plant or animal life;
- (c) causes or is likely to cause harm or material discomfort to any person;
- (d) adversely affects or is likely to affect adversely the health of any person;
- (e) impairs or is likely to impair the safety of any person;
- (f) renders or is likely to render, directly or indirectly, any property or plant or animal life unfit for use by man,

the Director, subject to section 13, may make a control order directed to the person responsible for the pesticide or the substance or thing containing the pesticide.

(2) The Director, in a control order, may order the person^{Content of control order} to whom the order is directed to,

- (a) limit or control the rate of deposit, addition, emission or discharge of a pesticide or a substance or thing containing a pesticide into the environment in accordance with the directions set out in the order;
- (b) stop the deposit, addition, emission or discharge of a pesticide or a substance or thing containing a pesticide into the environment,
 - (i) permanently,
 - (ii) for a specified period of time, or
 - (iii) in the circumstances set out in the order; and
- (c) comply with any directions set out in the order relating to the manner in which a pesticide or a substance or thing containing a pesticide or the container of either of them may be handled, stored, used, disposed of, transported or displayed.

Amendment of control order (3) The Director, under any of the circumstances set out in subsection 1 and in accordance with subsection 2, by a further order, may amend or vary a control order and sections 13, 14 and 15 apply *mutatis mutandis*.

Revocation of control order (4) The Director, by an order, may rescind a control order and in such case shall serve or cause to be served a copy of the rescinding order upon the person to whom the control order was directed. *New.*

When Director to be notified **22.** Every person who deposits, adds, emits or discharges a pesticide or a substance or thing containing a pesticide in or into the environment out of the normal course of events that,

- (a) causes or is likely to cause impairment of the quality of the environment for any use that can be made of it;
- (b) causes or is likely to cause injury or damage to property or to plant or animal life;
- (c) causes or is likely to cause harm or material discomfort to any person;
- (d) adversely affects or is likely to adversely affect the health of any person;
- (e) impairs or is likely to impair the safety of any person; or
- (f) renders or is likely to render, directly or indirectly, any property or plant or animal life unfit for use by man,

shall forthwith notify the Director. *New.*

Minister may order repair of damage **23.—(1)** Where any person deposits, adds, emits or discharges or causes or permits the deposit, addition, emission or discharge of a pesticide or a substance or thing containing a pesticide that causes or is likely to cause injury or damage to or impairment of,

- (a) the quality of the environment for any use that is being or is likely to be made of it;
- (b) any property or water;
- (c) plant or animal life; or
- (d) a person,

the Minister, where he is of the opinion that it is in the public interest to do so, may order the person responsible for the pesticide or the substance or thing containing the pesticide to do all things and take all steps within such time or times as may be specified in the order for the purpose of preventing or repairing, as the case requires, such injury or damage or impairment or to restore such quality.

(2) Every person responsible for a pesticide or a substance or thing containing a pesticide shall take such measures and do such things within such time or times with respect to the cleaning and decontamination of the environment, or any plant or animal life, substance or thing that has come into contact with a pesticide by any means other than in accordance with this Act and the regulations or a licence, permit or order thereunder as may be prescribed. ^{Cleaning and decontamination}

(3) No person shall use the environment or any plant or animal life, substance or thing that has come into contact with a pesticide by any means other than in accordance with this Act and the regulations or a licence, permit or order thereunder unless the cleaning and decontamination thereof has been completed in the prescribed manner or has been approved by the Director in writing. *New.*

24.—(1) An order of the Minister, the Director or a provincial officer under this Act is binding upon the successor or assignee of the person to whom it is directed. ^{Order binds successor or assignee}

(2) The Ministry shall maintain an alphabetical index record ^{Index record} of the names of all persons to whom orders are directed under this Act.

(3) When an order has expired or is rescinded, the Ministry shall remove from the index record the name of the person to whom the order is directed. ^{Removal of name from index record}

(4) The Ministry shall, upon the request of any person, make a search of the index record and inform the person making the request as to whether or not the name of a particular person appears in the index record and shall permit inspection of any order relating to that person. *New.* ^{Search of index record}

25. This Act binds the Crown. *New.*

The Crown

26. A licence or a permit under this Act is not transferable. *New.* ^{Licences or permits not transferable}

27. Where, in the opinion of the Director, it is in the public interest to do so, the Director may exempt an applicant for a licence issued by the Director pursuant to section 5 or the holder

of such a licence from any provision of the regulations and issue a licence to the applicant or modify the licence of the licensee, as the case may be, upon such terms and conditions, or alter or revoke the terms and conditions, as the Director considers necessary. *New.*

Regulations

28. The Lieutenant Governor in Council may make regulations,

1. prescribing classes of licences and the requirements for licences and renewals;
2. exempting any person or class of persons from this Act or the regulations or any provision thereof and prescribing terms and conditions attaching to any such exemption;
3. providing for the issue and renewal of licences and prescribing fees therefor;
4. providing for the issue of permits, prescribing fees therefor and the requirements therefor;
5. prescribing terms and conditions with respect to sales, offers to sell, transfers or premises in, on or from which sales, offers to sell or transfers of a pesticide are or will be made that shall attach to any class of licence;
6. providing for the examination of applicants for permits and licences and renewals of licences, and prescribing fees for such examinations;
7. providing for the appointment of examiners for applicants for licences and permits, the period for which such appointments may be made and the remuneration of examiners;
8. requiring applicants for licences to undergo medical examinations;
9. prescribing the procedures, conditions and notices for exterminations and for the airing out of buildings, structures and vehicles;
10. fixing the amount and type of insurance or bond that shall be carried or furnished by operators and prescribing the form, requirements and terms thereof;
11. prescribing pesticides, classes of pesticides and conditions of use for the purpose of section 6;

12. prescribing that a type or class of structural extermination may be deemed a land extermination and prescribing that a type or class of land extermination may be deemed a structural extermination for the purpose of this Act and the regulations;
13. permitting any class of operator or exterminator to perform or to undertake to perform any extermination for which the members of the class are not licensed and prescribing the conditions that shall attach to the permission;
14. exempting any machine, apparatus, equipment, or class thereof, from this Act or the regulations, or any provision thereof;
15. exempting any type or class of building, vehicle or structure from this Act or the regulations or any provision thereof;
16. excluding any land or water from the operation of this Act or the regulations or any provision thereof;
17. regulating or prohibiting the installation, operation, maintenance and use of any machine, apparatus or equipment used for extermination;
18. governing the signs, marking or other identification of vehicles or machines used in exterminations;
19. regulating the construction of any enclosed space or vault in which movable property may be placed during the periods of extermination and airing out;
20. prescribing functions, practices and procedures, tenure of office and remuneration of the Committee;
21. providing for the remuneration and expenses of members of the Pesticides Appeal Board;
22. prescribing forms and providing for their use for the purposes of this Act;
23. governing, regulating or prohibiting the use, handling, storage, display or disposal of pesticides;
24. classifying pesticides and prohibiting or regulating the sale, offering for sale or transfer of any pesticide or class of pesticides;

25. prohibiting the holders of any class of licence from using any designated pesticide or class of pesticides;
26. regulating the type of containers and the labelling of containers for pesticides, other than the containers in which pesticides are sold or offered for sale;
27. regulating the disposal of containers of pesticides;
28. prescribing the records to be kept and returns to be made by licensees;
29. exempting any plant or animal life, organism, substance or thing or any class of any of them or any quantity or concentration of any organism or substance from this Act or the regulations or any provision thereof;
30. respecting premises on, in or from which any pesticide or class of pesticide is sold, offered for sale or transferred;
31. regulating and controlling, for the purpose of preventing or reducing the contamination by pesticides of the environment, property, plant or animal life, or of any person, the transportation of any designated pesticide or class of pesticides by any vehicle operated on any highway or road or the transportation of any designated pesticide or class of pesticides together with any commodity or class of commodities by a vehicle operated on any highway or road;
32. prohibiting the transportation of any designated pesticide or class of pesticides together with any commodity or class of commodity by a vehicle operated on any highway or road;
33. prescribing the records to be kept by persons responsible for the transportation of any designated pesticide or class of pesticides by a vehicle operated on a highway or road;
34. requiring, regulating or prohibiting the removal or disposal of any substance or thing that has come into contact with any pesticide by any means other than in accordance with this Act and the regulations or a licence, permit or order thereunder;
35. requiring and prescribing measures to be taken and things to be done with respect to the cleaning and decontamination of the environment or any plant

or animal life, substance or thing that has come into contact with a pesticide by any means other than in accordance with this Act and the regulations or a licence, permit or order thereunder and the time or times within which such measures shall be taken and things done. R.S.O. 1970, c. 346, s. 21; 1971, c. 50, s. 66 (9, 10), *amended*.

29.—(1) Any regulation may be general or particular in ^{Scope of} _{regulations} its application and may be limited as to time or place or both.

(2) Any regulation may adopt by reference, in whole or in ^{Adoption of} _{codes in} _{regulations} part, with such changes as the Lieutenant Governor in regulations Council considers necessary, any code, formula, standard or procedure, and may require compliance with any code, formula, standard or procedure so adopted. *New*.

30. The Minister may charge and collect such fees as he ^{Fees for} _{copies} considers proper for all copies of pamphlets, brochures, documents, maps, plans or drawings supplied by the Ministry. *New*.

31.—(1) Any notice, order, decision or other document ^{Service} required to be given, served or delivered under this Act or the regulations is sufficiently given, served or delivered if delivered personally or sent by registered mail addressed to the person to whom it is required to be given, served or delivered at the latest address for service appearing on the records of the Ministry or, where there is no address for service so appearing, at the address, if any, last known to the Director.

(2) Where service is made by registered mail pursuant to ^{When service} _{deemed made} subsection 1, the service shall be deemed to be made on the fifth day after the day of mailing unless the person on whom service is being made establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control, receive the notice, order, decision or other document until a later date. 1971, c. 50, s. 66 (3), *part, amended*.

32. Where the Minister or the Director has authority to ^{Enforcement} _{of perform-} _{ance of things} _{required to} _{be done} order or require that any matter or thing be done, the Minister may order that, in default of its being done by the person ordered or required to do it, such matter or thing shall be done at the expense of such person, and the Minister may recover the cost of doing it, with costs, by action in a court of competent jurisdiction as a debt due to the Crown by such person. *New*.

False information **33.** No person shall give false information in any application, return or statement made to the Minister, the Director or any other officer of the Ministry in respect of any matter under this Act or the regulations. *New.*

Offence **34.** Every person, whether as principal or employer or as agent or employee of either of them, who contravenes any provision of this Act or the regulations or fails to comply with an order or a term or condition of a licence or permit made or issued under this Act is guilty of an offence and on summary conviction is liable on a first conviction to a fine of not more than \$5,000 for every day or part thereof upon which the offence occurs or continues and upon a second or subsequent conviction to a fine of not more than \$10,000 for every day or part thereof upon which the offence occurs or continues. R.S.O. 1970, c. 346, s. 22, *amended*.

Multiple information **35.** An information in respect of any matter under this Act may be for one or more offences and no information, summons, warrant, conviction or other proceeding in any prosecution is objectionable or insufficient by reason of the fact that it relates to two or more offences. *New.*

Certificates, etc., as evidence **36.** In any prosecution, proceeding or hearing under this Act or the regulations, the production of,

- (a) a certificate or report of an analyst in the employ of the Crown in right of Ontario designated by the Minister as to the analysis, ingredients, quality, quantity or temperature of any material, whether solid, liquid or gas or any combination of them; or
- (b) a notice, licence, permit, order, certificate, consent or approval purporting to be signed by the Minister or the Director, or any certified copy thereof,

is *prima facie* evidence of the facts stated therein and of the authority of the person making the report, notice, licence, permit, order, certificate, consent or approval without any proof of appointment or signature. *New.*

Proceedings to prohibit continuation or repetition of contravention **37.**—(1) Where any provision of this Act or the regulations or any direction, order, licence or permit made, served, delivered or issued by the Minister or the Director under this Act is contravened, notwithstanding any other remedy or any penalty imposed, the Minister may apply to a judge of the Supreme Court by originating motion for an order prohibiting the continuation or repetition of the contravention or the carrying on of any activity specified in the order that, in the opinion of the

court, will or will likely result in the continuation or repetition of the contravention by the person committing the contravention, and the judge may make the order and it may be enforced in the same manner as any other order or judgment of the Supreme Court.

(2) Any person against whom an order has been made under subsection 1 may apply to a judge of the Supreme Court for an order varying or rescinding an order made under subsection 1. *New.*

38. Where a conflict appears between any provision of this Act or the regulations and any other Act or regulation in a matter related to pesticides and the control of pests, the provision of this Act or the regulations shall prevail. *New.*

39. Every application, examination, licence, permit, order, regulation, prosecution, proceeding or hearing that is made, taken or deemed to be in effect under Part VI of *The Environmental Protection Act, 1971* and under *The Pesticides Act* shall continue to subsist and shall be deemed to be in effect under this Act in accordance with the terms thereof or until amended or revoked under this Act or the regulations. *New.*

40. The following are repealed:

Repeals

1. *The Pesticides Act*, being chapter 346 of the Revised Statutes of Ontario, 1970.
2. Section 66 of *The Civil Rights Statute Law Amendment Act, 1971*, being chapter 50.
3. Section 71 of *The Government Reorganization Act, 1972*, being chapter 1.

41. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

42. This Act may be cited as *The Pesticides Act, 1973.*

Short title

An Act to control
the Use of Pesticides

1st Reading

April 12, 1973

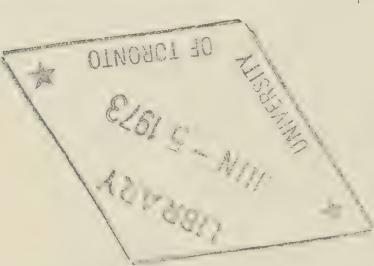
2nd Reading

May 15th, 1973

3rd Reading

May 15th, 1973

THE HON. J. A. C. AULD
Minister of the Environment



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BILL 91

Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to control the Use of Pesticides

THE HON. J. A. C. AULD
Minister of the Environment



TORONTO

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EXPLANATORY NOTES

The Bill is a revision of *The Pesticides Act*. Among the new provisions are the following:

1. The discharge into the environment of a pesticide or a substance or thing containing a pesticide is prohibited where harm would result.
2. The Pesticides Licence Review Board is replaced by the Pesticides Appeal Board. This Board will hear all appeals under the Act from the Director's decisions regarding licences, permits, control orders and stop orders. The Pesticides Licence Review Board hears appeals only in regard to licences.
3. The grounds upon which a licence may be refused, suspended or revoked are extended and a similar provision is made for refusing to issue or cancelling a permit or for imposing or altering terms in a permit.
4. A permit is required for a water extermination and for a land or structural extermination involving a prescribed pesticide or prescribed conditions of use.
5. The authority to make a stop order in an emergency is extended to the handling, storage, use, disposal, transportation or display of a pesticide or a substance or thing containing a pesticide.
6. Provision is made for a control order where the handling, storage, use, disposal, transportation or display of a pesticide or a substance or thing containing a pesticide is likely to cause specified harmful effects.
7. A requirement is added for notice to the Director where a pesticide or a substance or thing containing a pesticide is discharged into the environment out of the normal course of events.
8. The Minister may order remedial action where the discharge of a pesticide or a substance or thing containing a pesticide causes or is likely to cause harm.
9. The authority to make regulations is extended to,
 - (a) regulating or prohibiting the display or disposal of pesticides;
 - (b) regulating the transportation of designated pesticides;
 - (c) prescribing the records to be kept by persons responsible for the transportation of designated pesticides;
 - (d) prescribing decontaminating procedures for any land, water or property unlawfully contaminated by a pesticide;
 - (e) requiring, regulating or prohibiting the removal or disposal of any substance or thing unlawfully contaminated by a pesticide.
10. Every person responsible for a pesticide or a substance containing a pesticide is required to do whatever is prescribed for decontaminating the environment or any plant or animal life or thing unlawfully contaminated by the pesticide and is prohibited from using them unless these procedures have been complied with or the Director approves other procedures. The term "person responsible" is defined in the Bill.
11. The Bill also provides for investigations by provincial officers, substantial fines upon conviction for offences and additional enforcement procedures.
12. The Act will bind the Crown and will prevail over any conflicting provisions contained in other Acts.

BILL 91

1973

An Act to control the Use of Pesticides

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, Interpre-
tation

1. "air" means open air not enclosed in a building, structure, machine, chimney, stack, flue or vehicle;
2. "Board" means the Pesticides Appeal Board;
3. "Committee" means the Pesticides Advisory Committee;
4. "Director" means the officer of the Ministry designated by the Minister to perform the functions of the Director under this Act;
5. "environment" means the natural environment, a building, structure, machine and vehicle, or any of them;
6. "extermination" means a land extermination, structural extermination or a water extermination;
7. "extermination business" means an activity or enterprise carried on for the purpose of causing an extermination or exterminations to be performed for fee or payment;
8. "exterminator" means a person who, by himself or by his employees, assistants or agents, performs or enters into a contract to perform an extermination;
9. "land" means surface land not enclosed in a building or structure, land covered by water and all subsoil, or any combination or part thereof;

10. "land extermination" means the destruction, prevention or control in, on or over land of a pest or pests by the use of a pesticide but does not include a structural extermination, a water extermination or the destruction, prevention or control of termites;
11. "licence" means a licence issued under this Act and the regulations;
12. "licensee" means a person who is the holder of a licence under this Act;
13. "Minister" means the Minister of the Environment;
14. "Ministry" means the Ministry of the Environment;
15. "natural environment" means the air, land and water, or any combination or part thereof, of the Province of Ontario;
16. "operator" means a person who has the control and management of an extermination business, and "operate" has a corresponding meaning;
17. "permittee" means a person who is the holder of a permit under this Act;
18. "person" includes a municipality, a corporation on behalf of Her Majesty in right of Ontario, and an agent of any of them;
19. "person responsible", when used with reference to a pesticide, substance or thing, means,
 - (i) the owner,
 - (ii) the person having the charge, management or control of the handling, storage, use, disposal, transportation or display, or
 - (iii) the person having the charge, management or control,of the pesticide, substance or thing;
20. "pest" means any injurious, noxious or troublesome plant or animal life other than man or plant or animal life on or in man and includes any injurious, noxious or troublesome organic function of a plant or animal;

21. "pesticide" means any organism, substance or thing that is manufactured, represented, sold or used as a means of directly or indirectly controlling, preventing, destroying, mitigating, attracting or repelling any pest or of altering the growth, development or characteristics of any plant life that is not a pest and includes any organism, substance or thing registered under the *Pest Control Products Act*^{R.S.C. 1970, c. P-10}, (Canada);

22. "prescribed" means prescribed by the regulations;

23. "provincial officer" means a person who is designated under section 17;

24. "regulations" means the regulations made under this Act;

25. "structural extermination" means the destruction, prevention or control of a pest that may adversely affect a building, structure, machine, vehicle or their contents or the use or enjoyment thereof by any person by the use of a pesticide in, on or in the vicinity of the building, structure, machine or vehicle and includes the destruction, prevention or control of termites;

26. "water" means surface water and ground water, or either of them;

27. "water extermination" means the destruction, prevention or control in, on or over surface water of a pest by the use of a pesticide. R.S.O. 1970, c. 346, s. 1, *amended*.

2. The Minister, for the purpose of the administration of this Act and the regulations, may, Powers and duties of Minister

- (a) investigate problems relating to pesticides and the control of pests;
- (b) conduct research relating to pesticides and the control of pests;
- (c) conduct studies of the effect of pesticides and the control of pests on the quality of the environment;
- (d) convene conferences and conduct seminars and educational programs relating to pesticides and the control of pests;

- (e) gather, publish and disseminate information relating to pesticides and the control of pests;
- (f) make grants and loans for research related to pesticides and the control of pests in such amounts and upon such terms and conditions as the regulations may prescribe;
- (g) appoint committees to perform such advisory functions as the Minister considers requisite;
- (h) with the approval of the Lieutenant Governor in Council, enter into an agreement with any government or person relating to pesticides or the control of pests. *New.*

Prohibition

3. No person, whether acting or not acting under the authority of a licence or permit under this Act or an exemption under the regulations, shall deposit, add, emit or discharge or cause or permit the deposit, addition, emission or discharge of a pesticide or of any substance or thing containing a pesticide into the environment that,

- (a) causes or is likely to cause impairment of the quality of the environment for any use that can be made of it greater than the impairment, if any, for such use that would necessarily result from the proper use of the pesticide;
- (b) causes or is likely to cause injury or damage to property or to plant or animal life greater than the injury or damage, if any, that would necessarily result from the proper use of the pesticide;
- (c) causes or is likely to cause harm or material discomfort to any person greater than the harm or material discomfort, if any, that would necessarily result from the proper use of the pesticide;
- (d) adversely affects or is likely to affect adversely the health of any person to a greater degree than the adverse effect, if any, that would necessarily result from the proper use of the pesticide;
- (e) impairs or is likely to impair the safety of any person to a greater degree than the impairment, if any, of the safety of any person that would necessarily result from the proper use of the pesticide; or

(f) renders or is likely to render, directly or indirectly, any property or plant or animal life unfit for use by man to a degree greater than the unfitness, if any, that would necessarily result from the proper use of the pesticide. *New.*

4.—(1) No person shall engage in, perform or offer to perform an extermination except under and in accordance with a licence of a prescribed class and except by the use of a pesticide of a class and under the conditions for use prescribed for that class of licence or unless exempt under the regulations.

(2) No person shall operate an extermination business except under and in accordance with a licence of a prescribed class or unless exempt under the regulations.

(3) No person shall serve for a period of more than six months as an assistant to the holder of a licence to perform structural exterminations unless the person is licensed as an assistant exterminator or is exempt under the regulations.

(4) No person shall serve for a period of more than seven days as an assistant to the holder of a licence to perform land exterminations or water exterminations unless the holder of the licence to perform the exterminations notifies the Director in writing or the person is exempt under the regulations. R.S.O. 1970, c. 346, s. 2, *amended*.

5. Unless exempt by the regulations, no person shall sell, offer to sell or transfer any pesticide unless the pesticide is classified by the regulations and except under and in accordance with a licence that shall be for such class and in respect of each premises on, in or from which the pesticide is or will be sold, offered for sale or transferred. *New.*

6.—(1) No person shall perform a land extermination or a structural extermination,

- (a) by means of a pesticide;
- (b) by means of a pesticide of a class; or
- (c) under the conditions of use,

prescribed for the purpose of this section unless he is the holder of a permit for the land extermination or the structural extermination issued by the Director or he is exempt under the regulations.

Idem	(2) No person shall perform a water extermination unless he is the holder of a permit issued by the Director for the water extermination or is exempt under the regulations. <i>New.</i>
Responsibility for acts or omissions	7. For the purpose of this Act and the regulations, every person is, with respect to any matter under this Act and the regulations, responsible for the acts or omissions of his employees and agents within the scope of their actual or apparent authority. R.S.O. 1970, c. 346, s. 3, <i>amended</i> .
Liability insurance	8. An operator shall insure against liability or furnish a bond as provided for by the regulations. R.S.O. 1970, c. 346, s. 4.
Advisory Committee	9. —(1) The Committee known as the Pesticides Advisory Committee established under <i>The Pesticides Act</i> , being chapter 346 of the Revised Statutes of Ontario, 1970, and consisting of not fewer than ten members appointed by the Lieutenant Governor in Council one of whom may be designated by the Lieutenant Governor in Council as chairman and for whom the Lieutenant Governor in Council may appoint a person who is not a member as secretary, is continued.
Quorum	(2) Six members of the Committee constitute a quorum.
Functions	(3) The Committee shall, <ul style="list-style-type: none"> (a) review annually the content and operation of this Act and the regulations and recommend changes or amendments therein to the Minister; (b) inquire into and consider any matter the Committee considers advisable concerning pesticides and the control of pests, and any matter concerning pesticides and the control of pests referred to it by the Minister, and report thereon to the Minister; (c) review publications of the Government of Ontario respecting pesticides and the control of pests, and report thereon to the Minister; and (d) perform such other functions as the regulations prescribe. R.S.O. 1970, c. 346, s. 5, <i>amended</i>.
Issuance of licence or permit	10. —(1) Subject to subsection 2, the Director shall issue or renew a licence under section 4 or 5, and subject to subsection 3, the Director shall issue a permit under section 6 to any person who applies for the licence or permit, as the case may be, in accordance with the regulations and who meets

the requirements of this Act and the regulations for the particular class of licence or for the permit applied for and who pays the fee prescribed for the licence or permit.

(2) Subject to section 13, the Director may refuse to issue ^{Revocation and refusal of licence} or renew a licence or may suspend or revoke a licence where, in the opinion of the Director,

- (a) the applicant or licensee is in contravention of this Act or the regulations;
- (b) the licensee is in breach of any term or condition of the licence;
- (c) the applicant or licensee or, where the applicant or licensee is a corporation, its officers or directors, is or are not competent to carry on the activity that would be or is authorized by the licence;
- (d) the past conduct of the applicant or licensee or, where the applicant or licensee is a corporation, of any of its officers or directors, affords reasonable grounds for belief that the activity that would be or is authorized by the licence will not be carried on with honesty and integrity;
- (e) the applicant or licensee does not possess or will not have available all premises, facilities and equipment necessary to carry on the activity authorized by the licence in accordance with this Act, the regulations and the licence;
- (f) the applicant or licensee is not in a position to observe or carry out the provisions of this Act, the regulations and the licence;
- (g) the licensee has been grossly negligent in carrying on the activity that is authorized by the licence; or
- (h) the licensee has fraudulently misrepresented his services in performing an extermination or in carrying on an extermination business. 1971, c. 50, s. 66 (2), *part, amended.*

(3) The Director may refuse to issue or may cancel a permit, ^{Revocation and refusal of permit} may impose terms and conditions in issuing or after issuing of a permit and may alter the terms and conditions of a permit that has been issued where the Director is of the opinion, upon reasonable and probable grounds that,

- (a) the applicant or permittee is not competent to perform the extermination for which the permit is required;
- (b) the applicant or permittee does not possess or will not have available all facilities and equipment necessary to perform the extermination in accordance with this Act, the regulations and the permit;
- (c) there is or is likely to be danger to the health or safety of any person;
- (d) there is or is likely to be harm or material discomfort to any person;
- (e) there is or is likely to be impairment of the quality of the environment for any use that is being or is likely to be made of it;
- (f) there is or is likely to be injury or damage to any property or to plant or animal life;
- (g) any property or plant or animal life is or is likely to be rendered, directly or indirectly, unfit for use by man;
- (h) a different method of control or extermination will or will likely be substantially as effective as the proposed extermination for which a permit is required under section 6 and will or will likely cause less impairment of the environment, if any, for any use that is being or is likely to be made of it or less harm to or adverse effect, if any, on any plant or animal life, man or property; or
- (i) the use of the pesticide will not be or will not likely be effective or necessary to carry out the extermination. *New.*

Term of
licence

11. A licence expires on the 15th day of February in the year next following the year in which it was issued. 1971, c. 50, s. 66 (2), *part, amended.*

Pesticides
Appeal
Board

12.—(1) The Lieutenant Governor in Council shall appoint a board, consisting of not more than five members, to be known as the Pesticides Appeal Board who shall hold office during pleasure and none of whom shall be members of the public service in the employ of the Ministry.

(2) The Lieutenant Governor in Council may appoint one of ^{Chairman} the members of the Board as chairman.

(3) Three members of the Board constitute a quorum. Quorum

(4) Such employees as are required for the purposes of the ^{Appointment of staff} Board may be appointed under *The Public Service Act*. ^{New R.S.O. 1970, c. 386}

13.—(1) Where the Director proposes,

^{Proposal to refuse to issue licence, etc.}

(a) to refuse to issue or renew a licence;

(b) to suspend or revoke a licence; or

(c) to make, amend or vary a control order,

he shall serve notice of his proposal, together with written reasons therefor, on the applicant, licensee or person to whom the Director intends to direct the control order.

(2) A notice under subsection 1 shall inform the applicant, licensee or person to whom the Director intends to direct the control order that he is entitled to a hearing by the Board if he mails or delivers to the Director and the Board, within fifteen days after the notice under subsection 1 is served on him, notice in writing requiring a hearing, and he may so require such a hearing. ^{Notice}

(3) Where an applicant, licensee or person to whom the Director intends to direct the control order does not require a hearing by the Board in accordance with subsection 2, the Director may carry out the proposal stated in his notice under subsection 1. ^{Powers of Director where no hearing}

(4) Where an applicant, licensee or person to whom the Director intends to direct the control order requires a hearing by the Board in accordance with subsection 2, the Board shall appoint a time and place for and hold the hearing and may by order direct the Director to carry out his proposal or refrain from carrying out his proposal and to take such action as the Board considers the Director ought to take in accordance with this Act and the regulations, and for such purposes the Board may substitute its opinion for that of the Director. ^{Powers of Board where hearing}

(5) The Board may extend the time for the giving of notice requiring a hearing by an applicant, licensee or person to whom the Director intends to direct a control order referred to in subsection 1, either before or after the expiration of such time, where it is satisfied that there are reasonable grounds ^{Extension of time for requiring hearing}

for applying for the extension and that there are *prima facie* grounds for granting relief to the applicant, licensee or person to whom the Director intends to direct the control order referred to in subsection 1, and the Board may give such directions as it considers proper consequent upon the extension.

Continuation of licence pending renewal (6) Where, within the time prescribed therefor or, if no time is prescribed, before expiry of his licence, a licensee has applied for a renewal of his licence and paid the prescribed fee, his licence shall be deemed to continue,

- (a) until the renewal is granted; or
- (b) where he is served with notice that the Director proposes to refuse to grant the renewal, until the time for giving notice requiring a hearing by the Board has expired and, where a hearing is required, until the Board has made its decision. 1971, c. 50, s. 66 (3), *part*.

Emergency notice (7) Notwithstanding subsection 6, where the Director is of the opinion that an emergency exists by reason of,

- (a) danger to the safety or health of any person;
- (b) impairment or immediate risk of impairment of the environment for any use that is being or is likely to be made of it;
- (c) injury or damage or immediate risk of injury or damage to property, or to plant or animal life;
- (d) the rendering or immediate risk of rendering, directly or indirectly, of any property or plant or animal life unfit for use by man; or
- (e) a failure by a licensee to have in force insurance against liability or to furnish or have in force a bond as required by section 8,

the Director, by a notice to a licensee or to a person to whom the Director intends to direct a control order, together with written reasons therefor, may refuse to renew, suspend or revoke a licence or make, amend or vary a control order and, notwithstanding that the licensee or person to whom the control order is directed requires a hearing by the Board, the licence shall not be deemed to continue or the suspension, revocation or the making, amendment or variation of the control order is effective upon the service of the notice, as the case requires.

(8) Where the Director refuses to issue or cancels a permit or imposes or alters a term or condition in a permit that has been issued, he shall forthwith thereafter serve or cause to be served notice of his decision, upon the applicant or permittee, together with written reasons therefor.

(9) Where the Director issues a permit subject to a term or condition, refuses to issue or cancels a permit or imposes or alters a term or condition in a permit that has been issued and the applicant or permittee makes submissions to the Director, the Director, within three days after receiving the submissions, shall reconsider and vary, rescind or confirm his decision and shall serve or cause to be served notice of such variance, rescission or confirmation upon the applicant or permittee together with written reasons therefor and where the Director varies or rescinds his decision, he shall take such action as may be necessary to make the variation or rescission effective.

(10) A permit issued by the Director subject to a term or condition and a notice under subsection 8 shall inform the applicant or permittee that he is entitled to make submissions to the Director, in person or by an agent and by telephone or otherwise and that he is entitled to a hearing by the Board if he mails or delivers to the Director and the Board, within fifteen days after the notice under subsection 9 is served on him, notice in writing requiring a hearing and he may so make such submissions and so require such a hearing.

(11) Notwithstanding the making of submissions by an applicant or a permittee pursuant to subsection 10, the issuance of a permit subject to a term or condition or the cancellation of a permit or the imposition or alteration of a term or condition in a permit that has been issued by the Director is effective upon the issuance of the permit or upon the service of the notice under subsection 8.

(12) Subsections 4 and 5 apply *mutatis mutandis* to a hearing by the Board required under subsection 10. 1971, c. 50, s. 66 (3), *part, amended*.

14.—(1) The Director, the applicant, licensee, permittee or person to whom the Director intends to direct a control order who has required a hearing and such other persons as the Board may specify are parties to proceedings before the Board under section 13.

(2) Notice of a hearing under section 13 shall afford to the applicant, licensee, permittee or person to whom the Director intends to direct a control order a reasonable

opportunity to show or to achieve compliance before the hearing with all lawful requirements for the issue or retention of the licence or permit or to take such action as will preclude the necessity for making, amending or varying the control order.

Examination of documentary evidence

(3) An applicant, licensee, permittee or person to whom the Director intends to direct a control order who is a party to proceedings under section 13 shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing.

Members holding hearing not to have taken part in investigation, etc.

(4) Members of the Board holding a hearing shall not have taken part before the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but the Board may seek legal advice from an adviser independent from the parties and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law.

Recording of evidence

(5) The oral evidence taken before the Board at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court.

Findings of fact

1971, c. 47

(6) The findings of fact of the Board pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*.

Only members at hearing to participate in decision

(7) No member of the Board shall participate in a decision of the Board pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Board shall be given unless all members so present participate in the decision.

Release of documentary evidence

(8) Documents and things put in evidence at the hearing shall, upon the request of the person who produced them, be released to him by the Board within a reasonable time after the matter in issue has been finally determined. 1971, c. 50, s. 66 (3), *part, amended*.

Appeal to court

15.—(1) Any party to proceedings before the Board may appeal from its decision or order on a question of law to the Supreme Court in accordance with the rules of court.

(2) Where any party appeals from a decision or order of the Board, the Board shall forthwith file in the Supreme Court the record of the proceedings before it in which the decision was made, which, together with the transcript of the evidence if it is not part of the Board's record, shall constitute the record in the appeal.

(3) The Minister is entitled to be heard by counsel or otherwise upon the argument of an appeal under subsection 1.

(4) Any party to a hearing before the Board, within thirty days after receipt of the decision of the Board or within thirty days after final disposition of an appeal, if any, under subsection 1, may appeal in writing to the Minister on any matter other than a question of law and the Minister shall confirm, alter or revoke the decision of the Board as to the matter in appeal as he considers in the public interest. 1971, c. 50, s. 66 (3), *part, amended.*

16.—(1) No action or other proceeding for damages shall be instituted against the Director, any member of the Board or of the Committee or anyone acting under the direction of such Director or member for any act done in good faith in the execution or intended execution of his duty or for any alleged neglect or default in the execution in good faith of his duty. R.S.O. 1970, c. 346, s. 15.

(2) Subsection 1 does not, by reason of subsections 2 and 4 of section 5 of *The Proceedings Against the Crown Act*, relieve the Crown of liability in respect of a tort committed by an agent or servant of the Crown to which it would otherwise be subject and the Crown is liable under that Act for any such tort in a like manner as if subsection 1 had not been enacted. 1971, c. 50, s. 66 (4).

17.—(1) The Minister may designate in writing one or more officers or employees of the Ministry or other persons as provincial officers for the purposes of this Act and the regulations.

(2) For the purpose of the administration of this Act and the regulations, a provincial officer may, from time to time and upon production of his designation, enter at any reasonable time any building, structure, machine, vehicle, land, water or air and make or require to be made such surveys, examinations, investigations, tests and inquiries, including examinations of books, records and documents, as he considers necessary, and may make, take and remove or may require to be made, taken or removed samples, copies or extracts, and the Crown is liable for any damage or actual costs occasioned thereby.

Order
authorizing
entry

(3) Where a provincial judge is satisfied, upon an *ex parte* application by a provincial officer, that there is reasonable ground for believing that it is necessary to enter any building, structure, machine, vehicle, land, water or air for the administration of this Act or the regulations, the provincial judge may issue an order authorizing a provincial officer to enter therein or thereon and to make or require to be made such surveys, examinations, investigations, tests and inquiries and to take the other actions as are mentioned in subsection 2, but every such entry, survey, examination, investigation, test, inquiry and other such action shall be made or taken between sunrise and sunset unless the provincial judge authorizes the provincial officer, by the order, to so act at another time.

Information

(4) Every person responsible for a pesticide or for a substance or thing containing a pesticide that is the subject of an investigation by a provincial officer, and every person who assists such a person, shall furnish such information as the provincial officer requires for the purpose of the investigation.

Obstruction
of provincial
officer

(5) No person who is responsible for a pesticide or for a substance or thing containing a pesticide or who assists such a person shall hinder or obstruct a provincial officer in the lawful performance of his duties or furnish a provincial officer with false information. *New.*

Calling for
assistance of
member of
police force

18. Whenever a provincial officer is required or empowered by this Act or the regulations to do or direct the doing of anything, such provincial officer may take such steps and employ such assistance as is necessary to accomplish what is required, and may, when obstructed in so doing, call for the assistance of any member of the Ontario Provincial Police Force or the police force in the area where the assistance is required and it is the duty of every member of a police force to render such assistance. *New.*

Matters
confidential

19. Except as to information in respect of,

- (a) impairment or potential impairment of the quality of the environment for any use that can be made of it; or
- (b) harm or potential harm to or an adverse effect on any person, living thing or any property,

arising from or likely to arise from the handling, storage, use, disposal, transportation or display of a pesticide or a substance or thing containing a pesticide, every provincial officer shall preserve secrecy in respect of all matters that

come to his knowledge in the course of an examination, test or inquiry of or into any matter under this Act or the regulations and shall not communicate any such matter to any person except,

(c) as may be required in connection with the administration of this Act and the regulations or any proceedings under this Act or the regulations;

(d) to his counsel; or

(e) with the consent of the person who is responsible for the handling, storage, use, disposal, transportation or display of the pesticide, substance or thing. *New.*

20.—(1) Where the Director or a provincial officer is of the ^{Stop order} opinion, upon reasonable and probable grounds, that an emergency exists by reason of,

(a) danger to the health or safety of any person;

(b) impairment or immediate risk of impairment of the quality of the environment for any use that is being or is likely to be made of it;

(c) injury or damage or immediate risk of injury or damage to any property or to any plant or animal life; or

(d) the rendering or the immediate risk of rendering, directly or indirectly, any property or plant or animal life unfit for use by man,

consequent upon the handling, storage, use, disposal, transportation or display of a pesticide or a substance or thing containing a pesticide, the Director or provincial officer, as the case may be, may make an oral or written stop order directed to the person responsible for the pesticide or the substance or thing containing the pesticide ordering such person to stop immediately the handling, storage, use, disposal, transportation or display of the pesticide or the substance or thing containing the pesticide either permanently or for a specific period of time. 1971, c. 50, s. 66 (7), *amended*.

(2) A person who is affected by a stop order made by a provincial officer under subsection 1 may appeal therefrom in person or by an agent and by telephone or otherwise to the Director and the Director, after receiving the submissions of the person and of the provincial officer, shall vary, rescind or confirm the stop order of the provincial officer. R.S.O. 1970, c. 346, s. 20, *amended*.

Written
reasons
for order

(3) Where the Director makes a stop order or varies or confirms a stop order pursuant to subsection 2, the Director shall forthwith thereafter serve or cause to be served a written copy of the stop order or a written copy of the stop order as varied or confirmed, as the case requires, together with written reasons therefor, upon the person to whom the stop order or the stop order as varied or confirmed is directed.

Notice

(4) A stop order, or a stop order as varied or confirmed, under subsection 3 shall inform the person to whom it is directed that he is entitled to a hearing by the Board if he mails or delivers to the Director and the Board, within fifteen days after a copy of the stop order, or the stop order as varied or confirmed, under subsection 3, is served on him, notice in writing requiring a hearing and he may so require such a hearing. *New.*

Effect of
stop order

(5) Notwithstanding that an appeal is taken against a stop order, the stop order is effective at and from the time it is communicated to the person to whom it is directed until confirmed, varied or rescinded on appeal and such person shall comply with the stop order immediately. 1971, c. 50, s. 66 (8), *amended.*

Appeal to
Board

(6) Where the Director has made a stop order or has varied or confirmed upon appeal to the Director a stop order made by a provincial officer, any person to whom the order is directed may, by written notice mailed to or served upon the Director and the Board within fifteen days after service upon him of a copy of the stop order or of the stop order as varied or confirmed, as the case requires, require a hearing by the Board.

Powers of
Board where
hearing

(7) Where a person to whom a stop order is directed requires a hearing by the Board in accordance with subsection 6, the Board shall appoint a time and place for and hold the hearing and the Board may by order confirm, alter or rescind the order of the Director and for such purposes the Board may substitute its opinion for that of the Director.

Parties

(8) The Director, the person who has required the hearing and such other persons as the Board may specify are parties to proceedings before the Board under this section.

Application
of ss. 13 (5),
14 (2-8) and 15

(9) Subsection 5 of section 13, subsections 2, 3, 4, 5, 6, 7 and 8 of section 14 and section 15 apply *mutatis mutandis* to proceedings under this section.

Revocation of
stop order

(10) The Director, by an order, may rescind a stop order and in such case shall serve or cause to be served a copy of the rescinding order upon the person to whom the stop order was directed. *New.*

21.—(1) Where the handling, storage, use, disposal, trans-^{Control order}portation or display of a pesticide or a substance or thing containing a pesticide,

- (a) causes or is likely to cause impairment of the quality of the environment for any use that is being or is likely to be made of it;
- (b) causes or is likely to cause injury or damage to property or to plant or animal life;
- (c) causes or is likely to cause harm or material discomfort to any person;
- (d) adversely affects or is likely to affect adversely the health of any person;
- (e) impairs or is likely to impair the safety of any person;
- (f) renders or is likely to render, directly or indirectly, any property or plant or animal life unfit for use by man,

the Director, subject to section 13, may make a control order directed to the person responsible for the pesticide or the substance or thing containing the pesticide.

(2) The Director, in a control order, may order the person^{Content of control order} to whom the order is directed to,

- (a) limit or control the rate of deposit, addition, emission or discharge of a pesticide or a substance or thing containing a pesticide into the environment in accordance with the directions set out in the order;
- (b) stop the deposit, addition, emission or discharge of a pesticide or a substance or thing containing a pesticide into the environment,
 - (i) permanently,
 - (ii) for a specified period of time, or
 - (iii) in the circumstances set out in the order; and
- (c) comply with any directions set out in the order relating to the manner in which a pesticide or a substance or thing containing a pesticide or the container of either of them may be handled, stored, used, disposed of, transported or displayed.

Amendment
of control
order

(3) The Director, under any of the circumstances set out in subsection 1 and in accordance with subsection 2, by a further order, may amend or vary a control order and sections 13, 14 and 15 apply *mutatis mutandis*.

Revocation of
control order

(4) The Director, by an order, may rescind a control order and in such case shall serve or cause to be served a copy of the rescinding order upon the person to whom the control order was directed. *New.*

When
Director to
be notified

22. Every person who deposits, adds, emits or discharges a pesticide or a substance or thing containing a pesticide in or into the environment out of the normal course of events that,

- (a) causes or is likely to cause impairment of the quality of the environment for any use that can be made of it;
- (b) causes or is likely to cause injury or damage to property or to plant or animal life;
- (c) causes or is likely to cause harm or material discomfort to any person;
- (d) adversely affects or is likely to adversely affect the health of any person;
- (e) impairs or is likely to impair the safety of any person; or
- (f) renders or is likely to render, directly or indirectly, any property or plant or animal life unfit for use by man,

shall forthwith notify the Director. *New.*

Minister
may order
repair of
damage

23.—(1) Where any person deposits, adds, emits or discharges or causes or permits the deposit, addition, emission or discharge of a pesticide or a substance or thing containing a pesticide that causes or is likely to cause injury or damage to or impairment of,

- (a) the quality of the environment for any use that is being or is likely to be made of it;
- (b) any property or water;
- (c) plant or animal life; or
- (d) a person,

the Minister, where he is of the opinion that it is in the public interest to do so, may order the person responsible for the pesticide or the substance or thing containing the pesticide to do all things and take all steps within such time or times as may be specified in the order for the purpose of preventing or repairing, as the case requires, such injury or damage or impairment or to restore such quality.

(2) Every person responsible for a pesticide or a substance or thing containing a pesticide shall take such measures and do such things within such time or times with respect to the cleaning and decontamination of the environment, or any plant or animal life, substance or thing that has come into contact with a pesticide by any means other than in accordance with this Act and the regulations or a licence, permit or order thereunder as may be prescribed. ^{Cleaning and decontamination}

(3) No person shall use the environment or any plant or ^{Idem} animal life, substance or thing that has come into contact with a pesticide by any means other than in accordance with this Act and the regulations or a licence, permit or order thereunder unless the cleaning and decontamination thereof has been completed in the prescribed manner or has been approved by the Director in writing. *New.*

24.—(1) An order of the Minister, the Director or a provincial officer under this Act is binding upon the successor or ^{Order binds successor or assignee} assignee of the person to whom it is directed.

(2) The Ministry shall maintain an alphabetical index record ^{Index record} of the names of all persons to whom orders are directed under this Act.

(3) When an order has expired or is rescinded, the Ministry ^{Removal of name from index record} shall remove from the index record the name of the person to whom the order is directed.

(4) The Ministry shall, upon the request of any person, ^{Search of index record} make a search of the index record and inform the person making the request as to whether or not the name of a particular person appears in the index record and shall permit inspection of any order relating to that person. *New.*

25. This Act binds the Crown. *New.*

^{The Crown}

26. A licence or a permit under this Act is not transferable. ^{Licences or permits not transferable} *New.*

27. Where, in the opinion of the Director, it is in the public ^{Exemption} interest to do so, the Director may exempt an applicant for a licence issued by the Director pursuant to section 5 or the holder

of such a licence from any provision of the regulations and issue a licence to the applicant or modify the licence of the licensee, as the case may be, upon such terms and conditions, or alter or revoke the terms and conditions, as the Director considers necessary. *New.*

Regulations

28. The Lieutenant Governor in Council may make regulations,

1. prescribing classes of licences and the requirements for licences and renewals;
2. exempting any person or class of persons from this Act or the regulations or any provision thereof and prescribing terms and conditions attaching to any such exemption;
3. providing for the issue and renewal of licences and prescribing fees therefor;
4. providing for the issue of permits, prescribing fees therefor and the requirements therefor;
5. prescribing terms and conditions with respect to sales, offers to sell, transfers or premises in, on or from which sales, offers to sell or transfers of a pesticide are or will be made that shall attach to any class of licence;
6. providing for the examination of applicants for permits and licences and renewals of licences, and prescribing fees for such examinations;
7. providing for the appointment of examiners for applicants for licences and permits, the period for which such appointments may be made and the remuneration of examiners;
8. requiring applicants for licences to undergo medical examinations;
9. prescribing the procedures, conditions and notices for exterminations and for the airing out of buildings, structures and vehicles;
10. fixing the amount and type of insurance or bond that shall be carried or furnished by operators and prescribing the form, requirements and terms thereof;
11. prescribing pesticides, classes of pesticides and conditions of use for the purpose of section 6;

12. prescribing that a type or class of structural extermination may be deemed a land extermination and prescribing that a type or class of land extermination may be deemed a structural extermination for the purpose of this Act and the regulations;
13. permitting any class of operator or exterminator to perform or to undertake to perform any extermination for which the members of the class are not licensed and prescribing the conditions that shall attach to the permission;
14. exempting any machine, apparatus, equipment, or class thereof, from this Act or the regulations, or any provision thereof;
15. exempting any type or class of building, vehicle or structure from this Act or the regulations or any provision thereof;
16. excluding any land or water from the operation of this Act or the regulations or any provision thereof;
17. regulating or prohibiting the installation, operation, maintenance and use of any machine, apparatus or equipment used for extermination;
18. governing the signs, marking or other identification of vehicles or machines used in exterminations;
19. regulating the construction of any enclosed space or vault in which movable property may be placed during the periods of extermination and airing out;
20. prescribing functions, practices and procedures, tenure of office and remuneration of the Committee;
21. providing for the remuneration and expenses of members of the Pesticides Appeal Board;
22. prescribing forms and providing for their use for the purposes of this Act;
23. governing, regulating or prohibiting the use, handling, storage, display or disposal of pesticides;
24. classifying pesticides and prohibiting or regulating the sale, offering for sale or transfer of any pesticide or class of pesticides;

25. prohibiting the holders of any class of licence from using any designated pesticide or class of pesticides;
26. regulating the type of containers and the labelling of containers for pesticides, other than the containers in which pesticides are sold or offered for sale;
27. regulating the disposal of containers of pesticides;
28. prescribing the records to be kept and returns to be made by licensees;
29. exempting any plant or animal life, organism, substance or thing or any class of any of them or any quantity or concentration of any organism or substance from this Act or the regulations or any provision thereof;
30. respecting premises on, in or from which any pesticide or class of pesticide is sold, offered for sale or transferred;
31. regulating and controlling, for the purpose of preventing or reducing the contamination by pesticides of the environment, property, plant or animal life, or of any person, the transportation of any designated pesticide or class of pesticides by any vehicle operated on any highway or road or the transportation of any designated pesticide or class of pesticides together with any commodity or class of commodities by a vehicle operated on any highway or road;
32. prohibiting the transportation of any designated pesticide or class of pesticides together with any commodity or class of commodity by a vehicle operated on any highway or road;
33. prescribing the records to be kept by persons responsible for the transportation of any designated pesticide or class of pesticides by a vehicle operated on a highway or road;
34. requiring, regulating or prohibiting the removal or disposal of any substance or thing that has come into contact with any pesticide by any means other than in accordance with this Act and the regulations or a licence, permit or order thereunder;
35. requiring and prescribing measures to be taken and things to be done with respect to the cleaning and decontamination of the environment or any plant

or animal life, substance or thing that has come into contact with a pesticide by any means other than in accordance with this Act and the regulations or a licence, permit or order thereunder and the time or times within which such measures shall be taken and things done. R.S.O. 1970, c. 346, s. 21; 1971, c. 50, s. 66 (9, 10), *amended*.

29.—(1) Any regulation may be general or particular in ^{Scope of} regulations its application and may be limited as to time or place or both.

(2) Any regulation may adopt by reference, in whole or in ^{Adoption of} _{codes in} regulations part, with such changes as the Lieutenant Governor in regulations Council considers necessary, any code, formula, standard or procedure, and may require compliance with any code, formula, standard or procedure so adopted. *New*.

30. The Minister may charge and collect such fees as he ^{Fees for} _{copies} considers proper for all copies of pamphlets, brochures, documents, maps, plans or drawings supplied by the Ministry. *New*.

31.—(1) Any notice, order, decision or other document ^{Service} required to be given, served or delivered under this Act or the regulations is sufficiently given, served or delivered if delivered personally or sent by registered mail addressed to the person to whom it is required to be given, served or delivered at the latest address for service appearing on the records of the Ministry or, where there is no address for service so appearing, at the address, if any, last known to the Director.

(2) Where service is made by registered mail pursuant to ^{When service} _{deemed made} subsection 1, the service shall be deemed to be made on the fifth day after the day of mailing unless the person on whom service is being made establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control, receive the notice, order, decision or other document until a later date. 1971, c. 50, s. 66 (3), *part, amended*.

32. Where the Minister or the Director has authority to ^{Enforcement} _{of performance of things required to be done} order or require that any matter or thing be done, the Minister may order that, in default of its being done by the person ordered or required to do it, such matter or thing shall be done at the expense of such person, and the Minister may recover the cost of doing it, with costs, by action in a court of competent jurisdiction as a debt due to the Crown by such person. *New*.

False information

33. No person shall give false information in any application, return or statement made to the Minister, the Director or any other officer of the Ministry in respect of any matter under this Act or the regulations. *New.*

Offence

34. Every person, whether as principal or employer or as agent or employee of either of them, who contravenes any provision of this Act or the regulations or fails to comply with an order or a term or condition of a licence or permit made or issued under this Act is guilty of an offence and on summary conviction is liable on a first conviction to a fine of not more than \$5,000 for every day or part thereof upon which the offence occurs or continues and upon a second or subsequent conviction to a fine of not more than \$10,000 for every day or part thereof upon which the offence occurs or continues. R.S.O. 1970, c. 346, s. 22, *amended*.

Multiple information

35. An information in respect of any matter under this Act may be for one or more offences and no information, summons, warrant, conviction or other proceeding in any prosecution is objectionable or insufficient by reason of the fact that it relates to two or more offences. *New.*

Certificates, etc., as evidence

36. In any prosecution, proceeding or hearing under this Act or the regulations, the production of,

- (a) a certificate or report of an analyst in the employ of the Crown in right of Ontario designated by the Minister as to the analysis, ingredients, quality, quantity or temperature of any material, whether solid, liquid or gas or any combination of them; or
- (b) a notice, licence, permit, order, certificate, consent or approval purporting to be signed by the Minister or the Director, or any certified copy thereof,

is *prima facie* evidence of the facts stated therein and of the authority of the person making the report, notice, licence, permit, order, certificate, consent or approval without any proof of appointment or signature. *New.*

Proceedings to prohibit continuation or repetition of contravention

37.—(1) Where any provision of this Act or the regulations or any direction, order, licence or permit made, served, delivered or issued by the Minister or the Director under this Act is contravened, notwithstanding any other remedy or any penalty imposed, the Minister may apply to a judge of the Supreme Court by originating motion for an order prohibiting the continuation or repetition of the contravention or the carrying on of any activity specified in the order that, in the opinion of the

court, will or will likely result in the continuation or repetition of the contravention by the person committing the contravention, and the judge may make the order and it may be enforced in the same manner as any other order or judgment of the Supreme Court.

(2) Any person against whom an order has been made under subsection 1 may apply to a judge of the Supreme Court for an order varying or rescinding an order made under subsection 1. *New.*

38. Where a conflict appears between any provision of this Act or the regulations and any other Act or regulation in a matter related to pesticides and the control of pests, the provision of this Act or the regulations shall prevail. *New.*

39. Every application, examination, licence, permit, order, regulation, prosecution, proceeding or hearing that is made, taken or deemed to be in effect under Part VI of *The Environmental Protection Act, 1971* and under *The Pesticides Act* shall continue to subsist and shall be deemed to be in effect under this Act in accordance with the terms thereof or until amended or revoked under this Act or the regulations. *New.*

40. The following are repealed:

Repeals

1. *The Pesticides Act*, being chapter 346 of the Revised Statutes of Ontario, 1970.
2. Section 66 of *The Civil Rights Statute Law Amendment Act, 1971*, being chapter 50.
3. Section 71 of *The Government Reorganization Act, 1972*, being chapter 1.

41. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

42. This Act may be cited as *The Pesticides Act, 1973.*

Short title

An Act to control
the Use of Pesticides

1st Reading

April 12, 1973

2nd Reading

3rd Reading

THE HON. J. A. C. AULD
Minister of the Environment

(Government Bill)

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BILL 91

Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to control the Use of Pesticides

THE HON. J. A. C. AULD
Minister of the Environment

(Reprinted as amended by the Committee of the Whole House)

TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

The Bill is a revision of *The Pesticides Act*. Among the new provisions are the following:

1. The discharge into the environment of a pesticide or a substance or thing containing a pesticide is prohibited where harm would result.
2. The Pesticides Licence Review Board is replaced by the Pesticides Appeal Board. This Board will hear all appeals under the Act from the Director's decisions regarding licences, permits, control orders and stop orders. The Pesticides Licence Review Board hears appeals only in regard to licences.
3. The grounds upon which a licence may be refused, suspended or revoked are extended and a similar provision is made for refusing to issue or cancelling a permit or for imposing or altering terms in a permit.
4. A permit is required for a water extermination and for a land or structural extermination involving a prescribed pesticide or prescribed conditions of use.
5. The authority to make a stop order in an emergency is extended to the handling, storage, use, disposal, transportation or display of a pesticide or a substance or thing containing a pesticide.
6. Provision is made for a control order where the handling, storage, use, disposal, transportation or display of a pesticide or a substance or thing containing a pesticide is likely to cause specified harmful effects.
7. A requirement is added for notice to the Director where a pesticide or a substance or thing containing a pesticide is discharged into the environment out of the normal course of events.
8. The Minister may order remedial action where the discharge of a pesticide or a substance or thing containing a pesticide causes or is likely to cause harm.
9. The authority to make regulations is extended to,
 - (a) regulating or prohibiting the display or disposal of pesticides;
 - (b) regulating the transportation of designated pesticides;
 - (c) prescribing the records to be kept by persons responsible for the transportation of designated pesticides;
 - (d) prescribing decontaminating procedures for any land, water or property unlawfully contaminated by a pesticide;
 - (e) requiring, regulating or prohibiting the removal or disposal of any substance or thing unlawfully contaminated by a pesticide.
10. Every person responsible for a pesticide or a substance containing a pesticide is required to do whatever is prescribed for decontaminating the environment or any plant or animal life or thing unlawfully contaminated by the pesticide and is prohibited from using them unless these procedures have been complied with or the Director approves other procedures. The term "person responsible" is defined in the Bill.
11. The Bill also provides for investigations by provincial officers, substantial fines upon conviction for offences and additional enforcement procedures.
12. The Act will bind the Crown and will prevail over any conflicting provisions contained in other Acts.

BILL 91

1973

An Act to control the Use of Pesticides

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

1. "air" means open air not enclosed in a building, structure, machine, chimney, stack, flue or vehicle;
2. "Board" means the Pesticides Appeal Board;
3. "Committee" means the Pesticides Advisory Committee;
4. "Director" means the officer of the Ministry designated by the Minister to perform the functions of the Director under this Act;
5. "environment" means the natural environment, a building, structure, machine and vehicle, or any of them;
6. "extermination" means a land extermination, structural extermination or a water extermination;
7. "extermination business" means an activity or enterprise carried on for the purpose of causing an extermination or exterminations to be performed for fee or payment;
8. "exterminator" means a person who, by himself or by his employees, assistants or agents, performs or enters into a contract to perform an extermination;
9. "land" means surface land not enclosed in a building or structure, land covered by water and all subsoil, or any combination or part thereof;

10. "land extermination" means the destruction, prevention or control in, on or over land of a pest or pests by the use of a pesticide but does not include a structural extermination, a water extermination or the destruction, prevention or control of termites;
11. "licence" means a licence issued under this Act and the regulations;
12. "licensee" means a person who is the holder of a licence under this Act;
13. "Minister" means the Minister of the Environment;
14. "Ministry" means the Ministry of the Environment;
15. "natural environment" means the air, land and water, or any combination or part thereof, of the Province of Ontario;
16. "operator" means a person who has the control and management of an extermination business, and "operate" has a corresponding meaning;
17. "permittee" means a person who is the holder of a permit under this Act;
18. "person" includes a municipality, a corporation on behalf of Her Majesty in right of Ontario, and an agent of any of them;
19. "person responsible", when used with reference to a pesticide, substance or thing, means,
 - (i) the owner,
 - (ii) the person having the charge, management or control of the handling, storage, use, disposal, transportation or display, or
 - (iii) the person having the charge, management or control,of the pesticide, substance or thing;
20. "pest" means any injurious, noxious or troublesome plant or animal life other than man or plant or animal life on or in man and includes any injurious, noxious or troublesome organic function of a plant or animal;

21. "pesticide" means any organism, substance or thing that is manufactured, represented, sold or used as a means of directly or indirectly controlling, preventing, destroying, mitigating, attracting or repelling any pest or of altering the growth, development or characteristics of any plant life that is not a pest and includes any organism, substance or thing registered under the *Pest Control Products Act*^{R.S.C. 1970, c. P-10} (Canada);

22. "prescribed" means prescribed by the regulations;

23. "provincial officer" means a person who is designated under section 17;

24. "regulations" means the regulations made under this Act;

25. "structural extermination" means the destruction, prevention or control of a pest that may adversely affect a building, structure, machine, vehicle or their contents or the use or enjoyment thereof by any person by the use of a pesticide in, on or in the vicinity of the building, structure, machine or vehicle and includes the destruction, prevention or control of termites;

26. "water" means surface water and ground water, or either of them;

27. "water extermination" means the destruction, prevention or control in, on or over surface water of a pest by the use of a pesticide. R.S.O. 1970, c. 346, s. 1, *amended*.

2. The Minister, for the purpose of the administration of this Act and the regulations, may, Powers and duties of Minister

- (a) investigate problems relating to pesticides and the control of pests;
- (b) conduct research relating to pesticides and the control of pests;
- (c) conduct studies of the effect of pesticides and the control of pests on the quality of the environment;
- (d) convene conferences and conduct seminars and educational programs relating to pesticides and the control of pests;

- (e) gather, publish and disseminate information relating to pesticides and the control of pests;
- (f) make grants and loans for research related to pesticides and the control of pests in such amounts and upon such terms and conditions as the regulations may prescribe;
- (g) appoint committees to perform such advisory functions as the Minister considers requisite;
- (h) with the approval of the Lieutenant Governor in Council, enter into an agreement with any government or person relating to pesticides or the control of pests. *New.*

Prohibition

3. No person, whether acting or not acting under the authority of a licence or permit under this Act or an exemption under the regulations, shall deposit, add, emit or discharge or cause or permit the deposit, addition, emission or discharge of a pesticide or of any substance or thing containing a pesticide into the environment that,

- (a) causes or is likely to cause impairment of the quality of the environment for any use that can be made of it greater than the impairment, if any, for such use that would necessarily result from the proper use of the pesticide;
- (b) causes or is likely to cause injury or damage to property or to plant or animal life greater than the injury or damage, if any, that would necessarily result from the proper use of the pesticide;
- (c) causes or is likely to cause harm or material discomfort to any person greater than the harm or material discomfort, if any, that would necessarily result from the proper use of the pesticide;
- (d) adversely affects or is likely to affect adversely the health of any person to a greater degree than the adverse effect, if any, that would necessarily result from the proper use of the pesticide;
- (e) impairs or is likely to impair the safety of any person to a greater degree than the impairment, if any, of the safety of any person that would necessarily result from the proper use of the pesticide; or

(f) renders or is likely to render, directly or indirectly, any property or plant or animal life unfit for use by man to a degree greater than the unfitness, if any, that would necessarily result from the proper use of the pesticide. *New.*

4.—(1) No person shall engage in, perform or offer to perform an extermination except under and in accordance with a licence of a prescribed class and except by the use of a pesticide of a class and under the conditions for use prescribed for that class of licence or unless exempt under the regulations. Prohibition as to exterminations

(2) No person shall operate an extermination business except under and in accordance with a licence of a prescribed class or unless exempt under the regulations. Licence required to operate extermination business

(3) No person shall serve for a period of more than six months as an assistant to the holder of a licence to perform structural exterminations unless the person is licensed as an assistant exterminator or is exempt under the regulations. Idem, assistant structural exterminator

(4) No person shall serve for a period of more than seven days as an assistant to the holder of a licence to perform land exterminations or water exterminations unless the holder of the licence to perform the exterminations notifies the Director in writing or the person is exempt under the regulations. R.S.O. 1970, c. 346, s. 2, *amended.* Notice as to assistants to land exterminators or water exterminators

5. Unless exempt by the regulations, no person shall sell, offer to sell or transfer any pesticide unless the pesticide is classified by the regulations and except under and in accordance with a licence that shall be for such class and in respect of each premises on, in or from which the pesticide is or will be sold, offered for sale or transferred. *New.* Licence to sell, offer to sell or transfer

6.—(1) No person shall perform a land extermination or a structural extermination, Where permit required

- (a) by means of a pesticide;
- (b) by means of a pesticide of a class; or
- (c) under the conditions of use,

prescribed for the purpose of this section unless he is the holder of a permit for the land extermination or the structural extermination issued by the Director or he is exempt under the regulations.

Idem (2) No person shall perform a water extermination unless he is the holder of a permit issued by the Director for the water extermination or is exempt under the regulations. *New.*

Responsibility for acts or omissions 7. For the purpose of this Act and the regulations, every person is, with respect to any matter under this Act and the regulations, responsible for the acts or omissions of his employees and agents within the scope of their actual or apparent authority. R.S.O. 1970, c. 346, s. 3, *amended*.

Liability insurance 8. An operator shall insure against liability or furnish a bond as provided for by the regulations. R.S.O. 1970, c. 346, s. 4.

Advisory Committee 9.—(1) The Committee known as the Pesticides Advisory Committee established under *The Pesticides Act*, being chapter 346 of the Revised Statutes of Ontario, 1970, and consisting of not fewer than ten members appointed by the Lieutenant Governor in Council one of whom may be designated by the Lieutenant Governor in Council as chairman and for whom the Lieutenant Governor in Council may appoint a person who is not a member as secretary, is continued.

Quorum (2) Six members of the Committee constitute a quorum.

Functions (3) The Committee shall,

- (a) review annually the content and operation of this Act and the regulations and recommend changes or amendments therein to the Minister;
- (b) inquire into and consider any matter the Committee considers advisable concerning pesticides and the control of pests, and any matter concerning pesticides and the control of pests referred to it by the Minister, and report thereon to the Minister;
- (c) review publications of the Government of Ontario respecting pesticides and the control of pests, and report thereon to the Minister; and
- (d) perform such other functions as the regulations prescribe. R.S.O. 1970, c. 346, s. 5, *amended*.

Issuance of licence or permit 10.—(1) Subject to subsection 2, the Director shall issue or renew a licence under section 4 or 5, and subject to subsection 3, the Director shall issue a permit under section 6 to any person who applies for the licence or permit, as the case may be, in accordance with the regulations and who meets

the requirements of this Act and the regulations for the particular class of licence or for the permit applied for and who pays the fee prescribed for the licence or permit.

(2) Subject to section 13, the Director may refuse to issue ^{Revocation and refusal} or renew a licence or may suspend or revoke a licence where, ^{of licence} in the opinion of the Director,

(a) the applicant or licensee is in contravention of this Act or the regulations;

(b) the licensee is in breach of any term or condition of the licence;

(c) the applicant or licensee or, where the applicant or licensee is a corporation, its officers or directors, is or are not competent to carry on the activity that would be or is authorized by the licence;

(d) the past conduct of the applicant or licensee or, where the applicant or licensee is a corporation, of any of its officers or directors, affords reasonable grounds for belief that the activity that would be or is authorized by the licence will not be carried on with honesty and integrity;

(e) the applicant or licensee does not possess or will not have available all premises, facilities and equipment necessary to carry on the activity authorized by the licence in accordance with this Act, the regulations and the licence;

(f) the applicant or licensee is not in a position to observe or carry out the provisions of this Act, the regulations and the licence;

(g) the licensee has been grossly negligent in carrying on the activity that is authorized by the licence; or

(h) the licensee has fraudulently misrepresented his services in performing an extermination or in carrying on an extermination business. 1971, c. 50, s. 66 (2), *part, amended.*

(3) The Director may refuse to issue or may cancel a permit, ^{Revocation and refusal} may impose terms and conditions in issuing or after issuing ^{of permit} a permit and may alter the terms and conditions of a permit that has been issued where the Director is of the opinion, upon reasonable and probable grounds that,

- (a) the applicant or permittee is not competent to perform the extermination for which the permit is required;
- (b) the applicant or permittee does not possess or will not have available all facilities and equipment necessary to perform the extermination in accordance with this Act, the regulations and the permit;
- (c) there is or is likely to be danger to the health or safety of any person;
- (d) there is or is likely to be harm or material discomfort to any person;
- (e) there is or is likely to be impairment of the quality of the environment for any use that is being or is likely to be made of it;
- (f) there is or is likely to be injury or damage to any property or to plant or animal life;
- (g) any property or plant or animal life is or is likely to be rendered, directly or indirectly, unfit for use by man;
- (h) a different method of control or extermination will or will likely be substantially as effective as the proposed extermination for which a permit is required under section 6 and will or will likely cause less impairment of the environment, if any, for any use that is being or is likely to be made of it or less harm to or adverse effect, if any, on any plant or animal life, man or property; or
- (i) the use of the pesticide will not be or will not likely be effective or necessary to carry out the extermination. *New.*

Term of
licence

11. A licence expires on the 15th day of February in the year next following the year in which it was issued. 1971, c. 50, s. 66 (2), *part, amended.*

Pesticides
Appeal
Board

12.—(1) The Lieutenant Governor in Council shall appoint a board, consisting of not more than seven members, to be known as the Pesticides Appeal Board who shall hold office during pleasure and none of whom shall be members of the public service in the employ of the Ministry.

(2) The Lieutenant Governor in Council may appoint one of ^{Chairman} the members of the Board as chairman.

(3) Four members of the Board constitute a quorum. ^{Quorum}

(4) Such employees as are required for the purposes of the ^{Appointment of staff} Board may be appointed under *The Public Service Act.* ^{New. R.S.O. 1970, c. 386}

13.—(1) Where the Director proposes,

^{Proposal to refuse to issue licence, etc.}

(a) to refuse to issue or renew a licence;

(b) to suspend or revoke a licence; or

(c) to make, amend or vary a control order,

he shall serve notice of his proposal, together with written reasons therefor, on the applicant, licensee or person to whom the Director intends to direct the control order.

(2) A notice under subsection 1 shall inform the applicant, ^{Notice} licensee or person to whom the Director intends to direct the control order that he is entitled to a hearing by the Board if he mails or delivers to the Director and the Board, within fifteen days after the notice under subsection 1 is served on him, notice in writing requiring a hearing, and he may so require such a hearing.

(3) Where an applicant, licensee or person to whom the ^{Powers of Director where no hearing} Director intends to direct the control order does not require a hearing by the Board in accordance with subsection 2, the Director may carry out the proposal stated in his notice under subsection 1.

(4) Where an applicant, licensee or person to whom the ^{Powers of Board where hearing} Director intends to direct the control order requires a hearing by the Board in accordance with subsection 2, the Board shall appoint a time and place for and hold the hearing and may by order direct the Director to carry out his proposal or refrain from carrying out his proposal and to take such action as the Board considers the Director ought to take in accordance with this Act and the regulations, and for such purposes the Board may substitute its opinion for that of the Director.

(5) The Board may extend the time for the giving of notice ^{Extension of time for requiring hearing} requiring a hearing by an applicant, licensee or person to whom the Director intends to direct a control order referred to in subsection 1, either before or after the expiration of such time, where it is satisfied that there are reasonable grounds

for applying for the extension and that there are *prima facie* grounds for granting relief to the applicant, licensee or person to whom the Director intends to direct the control order referred to in subsection 1, and the Board may give such directions as it considers proper consequent upon the extension.

Continuation
of licence
pending
renewal

(6) Where, within the time prescribed therefor or, if no time is prescribed, before expiry of his licence, a licensee has applied for a renewal of his licence and paid the prescribed fee, his licence shall be deemed to continue,

(a) until the renewal is granted; or

(b) where he is served with notice that the Director proposes to refuse to grant the renewal, until the time for giving notice requiring a hearing by the Board has expired and, where a hearing is required, until the Board has made its decision. 1971, c. 50, s. 66 (3), *part*.

Emergency
notice

(7) Notwithstanding subsection 6, where the Director is of the opinion that an emergency exists by reason of,

(a) danger to the safety or health of any person;

(b) impairment or immediate risk of impairment of the environment for any use that is being or is likely to be made of it;

(c) injury or damage or immediate risk of injury or damage to property, or to plant or animal life;

(d) the rendering or immediate risk of rendering, directly or indirectly, of any property or plant or animal life unfit for use by man; or

(e) a failure by a licensee to have in force insurance against liability or to furnish or have in force a bond as required by section 8,

the Director, by a notice to a licensee or to a person to whom the Director intends to direct a control order, together with written reasons therefor, may refuse to renew, suspend or revoke a licence or make, amend or vary a control order and, notwithstanding that the licensee or person to whom the control order is directed requires a hearing by the Board, the licence shall not be deemed to continue or the suspension, revocation or the making, amendment or variation of the control order is effective upon the service of the notice, as the case requires.

(8) Where the Director refuses to issue or cancels a permit or imposes or alters a term or condition in a permit that has been issued, he shall forthwith thereafter serve or cause to be served notice of his decision, upon the applicant or permittee, together with written reasons therefor.

(9) Where the Director issues a permit subject to a term or condition, refuses to issue or cancels a permit or imposes or alters a term or condition in a permit that has been issued and the applicant or permittee makes submissions to the Director, the Director, within three days after receiving the submissions, shall reconsider and vary, rescind or confirm his decision and shall serve or cause to be served notice of such variance, rescission or confirmation upon the applicant or permittee together with written reasons therefor and where the Director varies or rescinds his decision, he shall take such action as may be necessary to make the variation or rescission effective.

(10) A permit issued by the Director subject to a term or condition and a notice under subsection 8 shall inform the applicant or permittee that he is entitled to make submissions to the Director, in person or by an agent and by telephone or otherwise and that he is entitled to a hearing by the Board if he mails or delivers to the Director and the Board, within fifteen days after the notice under subsection 9 is served on him, notice in writing requiring a hearing and he may so make such submissions and so require such a hearing.

(11) Notwithstanding the making of submissions by an applicant or a permittee pursuant to subsection 10, the issuance of a permit subject to a term or condition or the cancellation of a permit or the imposition or alteration of a term or condition in a permit that has been issued by the Director is effective upon the issuance of the permit or upon the service of the notice under subsection 8.

(12) Subsections 4 and 5 apply *mutatis mutandis* to a hearing by the Board required under subsection 10. 1971, c. 50, s. 66 (3), *part, amended*.

14.—(1) The Director, the applicant, licensee, permittee or person to whom the Director intends to direct a control order who has required a hearing and such other persons as the Board may specify are parties to proceedings before the Board under section 13.

(2) Notice of a hearing under section 13 shall afford to the applicant, licensee, permittee or person to whom the Director intends to direct a control order a reasonable

opportunity to show or to achieve compliance before the hearing with all lawful requirements for the issue or retention of the licence or permit or to take such action as will preclude the necessity for making, amending or varying the control order.

Examination of documentary evidence

(3) An applicant, licensee, permittee or person to whom the Director intends to direct a control order who is a party to proceedings under section 13 shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing.

Members holding hearing not to have taken part in investigation, etc.

(4) Members of the Board holding a hearing shall not have taken part before the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but the Board may seek legal advice from an adviser independent from the parties and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law.

Recording of evidence

(5) The oral evidence taken before the Board at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court.

Findings of fact

1971, c. 47

(6) The findings of fact of the Board pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*.

Only members at hearing to participate in decision

(7) No member of the Board shall participate in a decision of the Board pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Board shall be given unless all members so present participate in the decision.

Release of documentary evidence

(8) Documents and things put in evidence at the hearing shall, upon the request of the person who produced them, be released to him by the Board within a reasonable time after the matter in issue has been finally determined. 1971, c. 50, s. 66 (3), *part, amended*.

Appeal to court

15.—(1) Any party to proceedings before the Board may appeal from its decision or order on a question of law to the Supreme Court in accordance with the rules of court.

(2) Where any party appeals from a decision or order of the Board, the Board shall forthwith file in the Supreme Court the record of the proceedings before it in which the decision was made, which, together with the transcript of the evidence if it is not part of the Board's record, shall constitute the record in the appeal.

(3) The Minister is entitled to be heard by counsel or otherwise upon the argument of an appeal under subsection 1.

(4) Any party to a hearing before the Board, within thirty days after receipt of the decision of the Board or within thirty days after final disposition of an appeal, if any, under subsection 1, may appeal in writing to the Minister on any matter other than a question of law and the Minister shall confirm, alter or revoke the decision of the Board as to the matter in appeal as he considers in the public interest. 1971, c. 50, s. 66 (3), *part, amended.*

16.—(1) No action or other proceeding for damages shall be instituted against the Director, any member of the Board or of the Committee or anyone acting under the direction of such Director or member for any act done in good faith in the execution or intended execution of his duty or for any alleged neglect or default in the execution in good faith of his duty. R.S.O. 1970, c. 346, s. 15.

(2) Subsection 1 does not, by reason of subsections 2 and 4 of section 5 of *The Proceedings Against the Crown Act*, relieve the Crown of liability in respect of a tort committed by an agent or servant of the Crown to which it would otherwise be subject and the Crown is liable under that Act for any such tort in a like manner as if subsection 1 had not been enacted. 1971, c. 50, s. 66 (4).

17.—(1) The Minister may designate in writing one or more officers or employees of the Ministry or other persons as provincial officers for the purposes of this Act and the regulations.

(2) For the purpose of the administration of this Act and the regulations, a provincial officer may, from time to time and upon production of his designation, enter at any reasonable time any building, structure, machine, vehicle, land, water or air and make or require to be made such surveys, examinations, investigations, tests and inquiries, including examinations of books, records and documents, as he considers necessary, and may make, take and remove or may require to be made, taken or removed samples, copies or extracts, and the Crown is liable for any damage or actual costs occasioned thereby.

Order
authorizing
entry

(3) Where a provincial judge is satisfied, upon an *ex parte* application by a provincial officer, that there is reasonable ground for believing that it is necessary to enter any building, structure, machine, vehicle, land, water or air for the administration of this Act or the regulations, the provincial judge may issue an order authorizing a provincial officer to enter therein or thereon and to make or require to be made such surveys, examinations, investigations, tests and inquiries and to take the other actions as are mentioned in subsection 2, but every such entry, survey, examination, investigation, test, inquiry and other such action shall be made or taken between sunrise and sunset unless the provincial judge authorizes the provincial officer, by the order, to so act at another time.

Information

(4) Every person responsible for a pesticide or for a substance or thing containing a pesticide that is the subject of an investigation by a provincial officer, and every person who assists such a person, shall furnish such information as the provincial officer requires for the purpose of the investigation.

Obstruction
of provincial
officer

(5) No person who is responsible for a pesticide or for a substance or thing containing a pesticide or who assists such a person shall hinder or obstruct a provincial officer in the lawful performance of his duties or furnish a provincial officer with false information. *New.*

Calling for
assistance of
member of
police force

18. Whenever a provincial officer is required or empowered by this Act or the regulations to do or direct the doing of anything, such provincial officer may take such steps and employ such assistance as is necessary to accomplish what is required, and may, when obstructed in so doing, call for the assistance of any member of the Ontario Provincial Police Force or the police force in the area where the assistance is required and it is the duty of every member of a police force to render such assistance. *New.*

Matters
confidential

19. Except as to information in respect of,

- (a) impairment or potential impairment of the quality of the environment for any use that can be made of it; or
- (b) harm or potential harm to or an adverse effect on any person, living thing or any property,

arising from or likely to arise from the handling, storage, use, disposal, transportation or display of a pesticide or a substance or thing containing a pesticide, every provincial officer shall preserve secrecy in respect of all matters that

come to his knowledge in the course of an examination, test or inquiry of or into any matter under this Act or the regulations and shall not communicate any such matter to any person except,

- (c) as may be required in connection with the administration of this Act and the regulations or any proceedings under this Act or the regulations;
- (d) to his counsel; or

- (e) with the consent of the person who is responsible for the handling, storage, use, disposal, transportation or display of the pesticide, substance or thing. *New.*

20.—(1) Where the Director or a provincial officer is of the ^{Stop order} opinion, upon reasonable and probable grounds, that an emergency exists by reason of,

- (a) danger to the health or safety of any person;
- (b) impairment or immediate risk of impairment of the quality of the environment for any use that is being or is likely to be made of it;
- (c) injury or damage or immediate risk of injury or damage to any property or to any plant or animal life; or
- (d) the rendering or the immediate risk of rendering, directly or indirectly, any property or plant or animal life unfit for use by man,

consequent upon the handling, storage, use, disposal, transportation or display of a pesticide or a substance or thing containing a pesticide, the Director or provincial officer, as the case may be, may make an oral or written stop order directed to the person responsible for the pesticide or the substance or thing containing the pesticide ordering such person to stop immediately the handling, storage, use, disposal, transportation or display of the pesticide or the substance or thing containing the pesticide either permanently or for a specific period of time. 1971, c. 50, s. 66 (7), *amended*.

(2) A person who is affected by a stop order made by a ^{Immediate} ^{appeal} provincial officer under subsection 1 may appeal therefrom in person or by an agent and by telephone or otherwise to the Director and the Director, after receiving the submissions of the person and of the provincial officer, shall vary, rescind or confirm the stop order of the provincial officer. R.S.O. 1970, c. 346, s. 20, *amended*.

Written
reasons
for order

(3) Where the Director makes a stop order or varies or confirms a stop order pursuant to subsection 2, the Director shall forthwith thereafter serve or cause to be served a written copy of the stop order or a written copy of the stop order as varied or confirmed, as the case requires, together with written reasons therefor, upon the person to whom the stop order or the stop order as varied or confirmed is directed.

Notice

(4) A stop order, or a stop order as varied or confirmed, under subsection 3 shall inform the person to whom it is directed that he is entitled to a hearing by the Board if he mails or delivers to the Director and the Board, within fifteen days after a copy of the stop order, or the stop order as varied or confirmed, under subsection 3, is served on him, notice in writing requiring a hearing and he may so require such a hearing. *New.*

Effect of
stop order

(5) Notwithstanding that an appeal is taken against a stop order, the stop order is effective at and from the time it is communicated to the person to whom it is directed until confirmed, varied or rescinded on appeal and such person shall comply with the stop order immediately. 1971, c. 50, s. 66 (8), amended.

Appeal to
Board

(6) Where the Director has made a stop order or has varied or confirmed upon appeal to the Director a stop order made by a provincial officer, any person to whom the order is directed may, by written notice mailed to or served upon the Director and the Board within fifteen days after service upon him of a copy of the stop order or of the stop order as varied or confirmed, as the case requires, require a hearing by the Board.

Powers of
Board where
hearing

(7) Where a person to whom a stop order is directed requires a hearing by the Board in accordance with subsection 6, the Board shall appoint a time and place for and hold the hearing and the Board may by order confirm, alter or rescind the order of the Director and for such purposes the Board may substitute its opinion for that of the Director.

Parties

(8) The Director, the person who has required the hearing and such other persons as the Board may specify are parties to proceedings before the Board under this section.

Application
of ss. 13(5),
14 (2-8) and 15

(9) Subsection 5 of section 13, subsections 2, 3, 4, 5, 6, 7 and 8 of section 14 and section 15 apply *mutatis mutandis* to proceedings under this section.

Revocation of
stop order

(10) The Director, by an order, may rescind a stop order and in such case shall serve or cause to be served a copy of the rescinding order upon the person to whom the stop order was directed. *New.*

21.—(1) Where the handling, storage, use, disposal, trans-^{Control order}portation or display of a pesticide or a substance or thing containing a pesticide,

- (a) causes or is likely to cause impairment of the quality of the environment for any use that is being or is likely to be made of it;
- (b) causes or is likely to cause injury or damage to property or to plant or animal life;
- (c) causes or is likely to cause harm or material discomfort to any person;
- (d) adversely affects or is likely to affect adversely the health of any person;
- (e) impairs or is likely to impair the safety of any person;
- (f) renders or is likely to render, directly or indirectly, any property or plant or animal life unfit for use by man,

the Director, subject to section 13, may make a control order directed to the person responsible for the pesticide or the substance or thing containing the pesticide.

(2) The Director, in a control order, may order the person^{Content of control order} to whom the order is directed to,

- (a) limit or control the rate of deposit, addition, emission or discharge of a pesticide or a substance or thing containing a pesticide into the environment in accordance with the directions set out in the order;
- (b) stop the deposit, addition, emission or discharge of a pesticide or a substance or thing containing a pesticide into the environment,
 - (i) permanently,
 - (ii) for a specified period of time, or
 - (iii) in the circumstances set out in the order; and
- (c) comply with any directions set out in the order relating to the manner in which a pesticide or a substance or thing containing a pesticide or the container of either of them may be handled, stored, used, disposed of, transported or displayed.

Amendment
of control
order

(3) The Director, under any of the circumstances set out in subsection 1 and in accordance with subsection 2, by a further order, may amend or vary a control order and sections 13, 14 and 15 apply *mutatis mutandis*.

Revocation of
control order

(4) The Director, by an order, may rescind a control order and in such case shall serve or cause to be served a copy of the rescinding order upon the person to whom the control order was directed. *New.*

When
Director to
be notified

22. Every person who deposits, adds, emits or discharges a pesticide or a substance or thing containing a pesticide in or into the environment out of the normal course of events that,

- (a) causes or is likely to cause impairment of the quality of the environment for any use that can be made of it;
- (b) causes or is likely to cause injury or damage to property or to plant or animal life;
- (c) causes or is likely to cause harm or material discomfort to any person;
- (d) adversely affects or is likely to adversely affect the health of any person;
- (e) impairs or is likely to impair the safety of any person; or
- (f) renders or is likely to render, directly or indirectly, any property or plant or animal life unfit for use by man,

shall forthwith notify the Director. *New.*

Minister
may order
repair of
damage

23.—(1) Where any person deposits, adds, emits or discharges or causes or permits the deposit, addition, emission or discharge of a pesticide or a substance or thing containing a pesticide that causes or is likely to cause injury or damage to or impairment of,

- (a) the quality of the environment for any use that is being or is likely to be made of it;
- (b) any property or water;
- (c) plant or animal life; or
- (d) a person,

the Minister, where he is of the opinion that it is in the public interest to do so, may order the person responsible for the pesticide or the substance or thing containing the pesticide to do all things and take all steps within such time or times as may be specified in the order for the purpose of preventing or repairing, as the case requires, such injury or damage or impairment or to restore such quality.

(2) Every person responsible for a pesticide or a substance or thing containing a pesticide shall take such measures and do such things within such time or times with respect to the cleaning and decontamination of the environment, or any plant or animal life, substance or thing that has come into contact with a pesticide by any means other than in accordance with this Act and the regulations or a licence, permit or order thereunder as may be prescribed. ^{Cleaning and decontamination}

(3) No person shall use the environment or any plant or animal life, substance or thing that has come into contact with a pesticide by any means other than in accordance with this Act and the regulations or a licence, permit or order thereunder unless the cleaning and decontamination thereof has been completed in the prescribed manner or has been approved by the Director in writing. *New.*

24.—(1) An order of the Minister, the Director or a provincial officer under this Act is binding upon the successor or assignee of the person to whom it is directed. ^{Order binds successor or assignee}

(2) The Ministry shall maintain an alphabetical index record ^{Index record} of the names of all persons to whom orders are directed under this Act.

(3) When an order has expired or is rescinded, the Ministry shall remove from the index record the name of the person to whom the order is directed. ^{Removal of name from index record}

(4) The Ministry shall, upon the request of any person, make a search of the index record and inform the person making the request as to whether or not the name of a particular person appears in the index record and shall permit inspection of any order relating to that person. *New.*

25. This Act binds the Crown. *New.*

^{The Crown}

26. A licence or a permit under this Act is not transferable. ^{Licences or permits not transferable}

27. Where, in the opinion of the Director, it is in the public interest to do so, the Director may exempt an applicant for a licence issued by the Director pursuant to section 5 or the holder

of such a licence from any provision of the regulations and issue a licence to the applicant or modify the licence of the licensee, as the case may be, upon such terms and conditions, or alter or revoke the terms and conditions, as the Director considers necessary. *New.*

Regulations

28. The Lieutenant Governor in Council may make regulations,

1. prescribing classes of licences and the requirements for licences and renewals;
2. exempting any person or class of persons from this Act or the regulations or any provision thereof and prescribing terms and conditions attaching to any such exemption;
3. providing for the issue and renewal of licences and prescribing fees therefor;
4. providing for the issue of permits, prescribing fees therefor and the requirements therefor;
5. prescribing terms and conditions with respect to sales, offers to sell, transfers or premises in, on or from which sales, offers to sell or transfers of a pesticide are or will be made that shall attach to any class of licence;
6. providing for the examination of applicants for permits and licences and renewals of licences, and prescribing fees for such examinations;
7. providing for the appointment of examiners for applicants for licences and permits, the period for which such appointments may be made and the remuneration of examiners;
8. requiring applicants for licences to undergo medical examinations;
9. prescribing the procedures, conditions and notices for exterminations and for the airing out of buildings, structures and vehicles;
10. fixing the amount and type of insurance or bond that shall be carried or furnished by operators and prescribing the form, requirements and terms thereof;
11. prescribing pesticides, classes of pesticides and conditions of use for the purpose of section 6;

12. prescribing that a type or class of structural extermination may be deemed a land extermination and prescribing that a type or class of land extermination may be deemed a structural extermination for the purpose of this Act and the regulations;
13. permitting any class of operator or exterminator to perform or to undertake to perform any extermination for which the members of the class are not licensed and prescribing the conditions that shall attach to the permission;
14. exempting any machine, apparatus, equipment, or class thereof, from this Act or the regulations, or any provision thereof;
15. exempting any type or class of building, vehicle or structure from this Act or the regulations or any provision thereof;
16. excluding any land or water from the operation of this Act or the regulations or any provision thereof;
17. regulating or prohibiting the installation, operation, maintenance and use of any machine, apparatus or equipment used for extermination;
18. governing the signs, marking or other identification of vehicles or machines used in exterminations;
19. regulating the construction of any enclosed space or vault in which movable property may be placed during the periods of extermination and airing out;
20. prescribing functions, practices and procedures, tenure of office and remuneration of the Committee;
21. providing for the remuneration and expenses of members of the Pesticides Appeal Board;
22. prescribing forms and providing for their use for the purposes of this Act;
23. governing, regulating or prohibiting the use, handling, storage, display or disposal of pesticides;
24. classifying pesticides and prohibiting or regulating the sale, offering for sale or transfer of any pesticide or class of pesticides;

25. prohibiting the holders of any class of licence from using any designated pesticide or class of pesticides;
26. regulating the type of containers and the labelling of containers for pesticides, other than the containers in which pesticides are sold or offered for sale;
27. regulating the disposal of containers of pesticides;
28. prescribing the records to be kept and returns to be made by licensees;
29. exempting any plant or animal life, organism, substance or thing or any class of any of them or any quantity or concentration of any organism or substance from this Act or the regulations or any provision thereof;
30. respecting premises on, in or from which any pesticide or class of pesticide is sold, offered for sale or transferred;
31. regulating and controlling, for the purpose of preventing or reducing the contamination by pesticides of the environment, property, plant or animal life, or of any person, the transportation of any designated pesticide or class of pesticides by any vehicle operated on any highway or road or the transportation of any designated pesticide or class of pesticides together with any commodity or class of commodities by a vehicle operated on any highway or road;
32. prohibiting the transportation of any designated pesticide or class of pesticides together with any commodity or class of commodity by a vehicle operated on any highway or road;
33. prescribing the records to be kept by persons responsible for the transportation of any designated pesticide or class of pesticides by a vehicle operated on a highway or road;
34. requiring, regulating or prohibiting the removal or disposal of any substance or thing that has come into contact with any pesticide by any means other than in accordance with this Act and the regulations or a licence, permit or order thereunder;
35. requiring and prescribing measures to be taken and things to be done with respect to the cleaning and decontamination of the environment or any plant

or animal life, substance or thing that has come into contact with a pesticide by any means other than in accordance with this Act and the regulations or a licence, permit or order thereunder and the time or times within which such measures shall be taken and things done. R.S.O. 1970, c. 346, s. 21; 1971, c. 50, s. 66 (9, 10), *amended*.

29.—(1) Any regulation may be general or particular in ^{Scope of} _{regulations} its application and may be limited as to time or place or both.

(2) Any regulation may adopt by reference, in whole or in ^{Adoption of} _{codes in} _{regulations} part, with such changes as the Lieutenant Governor in regulations Council considers necessary, any code, formula, standard or procedure, and may require compliance with any code, formula, standard or procedure so adopted. *New.*

30. The Minister may charge and collect such fees as he ^{Fees for} _{copies} considers proper for all copies of pamphlets, brochures, documents, maps or drawings supplied by the Ministry. *New.*

31.—(1) Any notice, order, decision or other document ^{Service} required to be given, served or delivered under this Act or the regulations is sufficiently given, served or delivered if delivered personally or sent by registered mail addressed to the person to whom it is required to be given, served or delivered at the latest address for service appearing on the records of the Ministry or, where there is no address for service so appearing, at the address, if any, last known to the Director.

(2) Where service is made by registered mail pursuant to ^{When service} _{deemed made} subsection 1, the service shall be deemed to be made on the fifth day after the day of mailing unless the person on whom service is being made establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control, receive the notice, order, decision or other document until a later date. 1971, c. 50, s. 66 (3), *part, amended*.

32. Where the Minister or the Director has authority to order or require that any matter or thing be done, the ^{Enforcement of performance of things required to be done} Minister may order that, in default of its being done by the person ordered or required to do it, such matter or thing shall be done at the expense of such person, and the Minister may recover the cost of doing it, with costs, by action in a court of competent jurisdiction as a debt due to the Crown by such person. *New.*

False information

33. No person shall give false information in any application, return or statement made to the Minister, the Director or any other officer of the Ministry in respect of any matter under this Act or the regulations. *New.*

Offence

34. Every person, whether as principal or employer or as agent or employee of either of them, who contravenes any provision of this Act or the regulations or fails to comply with an order or a term or condition of a licence or permit made or issued under this Act is guilty of an offence and on summary conviction is liable on a first conviction to a fine of not more than \$5,000 for every day or part thereof upon which the offence occurs or continues and upon a second or subsequent conviction to a fine of not more than \$10,000 for every day or part thereof upon which the offence occurs or continues. R.S.O. 1970, c. 346, s. 22, *amended*.

Multiple information

35. An information in respect of any matter under this Act may be for one or more offences and no information, summons, warrant, conviction or other proceeding in any prosecution is objectionable or insufficient by reason of the fact that it relates to two or more offences. *New.*

Certificates, etc., as evidence

36. In any prosecution, proceeding or hearing under this Act or the regulations, the production of,

- (a) a certificate or report of an analyst in the employ of the Crown in right of Ontario designated by the Minister as to the analysis, ingredients, quality, quantity or temperature of any material, whether solid, liquid or gas or any combination of them; or
- (b) a notice, licence, permit, order, certificate, consent or approval purporting to be signed by the Minister or the Director, or any certified copy thereof,

is *prima facie* evidence of the facts stated therein and of the authority of the person making the report, notice, licence, permit, order, certificate, consent or approval without any proof of appointment or signature. *New.*

Proceedings to prohibit continuation or repetition of contravention

37.—(1) Where any provision of this Act or the regulations or any direction, order, licence or permit made, served, delivered or issued by the Minister or the Director under this Act is contravened, notwithstanding any other remedy or any penalty imposed, the Minister may apply to a judge of the Supreme Court by originating motion for an order prohibiting the continuation or repetition of the contravention or the carrying on of any activity specified in the order that, in the opinion of the

court, will or will likely result in the continuation or repetition of the contravention by the person committing the contravention, and the judge may make the order and it may be enforced in the same manner as any other order or judgment of the Supreme Court.

(2) Any person against whom an order has been made under subsection 1 may apply to a judge of the Supreme Court for an order varying or rescinding an order made under subsection 1. *New.*

38. Where a conflict appears between any provision of this Act or the regulations and any other Act or regulation in a matter related to pesticides and the control of pests, the provision of this Act or the regulations shall prevail. *New.*

39. Every application, examination, licence, permit, order, regulation, prosecution, proceeding or hearing that is made, taken or deemed to be in effect under Part VI of *The Environmental Protection Act, 1971*, and under *The Pesticides Act* shall continue to subsist and shall be deemed to be in effect under this Act in accordance with the terms thereof or until amended or revoked under this Act or the regulations. *New.*

40. The following are repealed:

Repeals

1. *The Pesticides Act*, being chapter 346 of the Revised Statutes of Ontario, 1970.
2. Section 66 of *The Civil Rights Statute Law Amendment Act, 1971*, being chapter 50.
3. Section 71 of *The Government Reorganization Act, 1972*, being chapter 1.

41. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

42. This Act may be cited as *The Pesticides Act, 1973.*

Short title

An Act to control
the Use of Pesticides

1st Reading

April 12, 1973

2nd Reading

May 15th, 1973

3rd Reading

THE HON. J. A. C. AULD
Minister of the Environment

(Reprinted as amended by the
Committee of the Whole House)



CAZON
XB
-B 56

BILL 92

Private Member's Bill

Government
Publication

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act respecting Simcoe Day

MR. G. E. SMITH (Simcoe E.)



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The purpose of the Bill is to change the name of the public holiday celebrated in many municipalities on the first Monday in August from "Civic Holiday" to Simcoe Day in honour of John Graves Simcoe who was appointed first Lieutenant Governor of Upper Canada on September 12th, 1791, and who convened the first Legislative Assembly and established the capital of the Province at York, now Toronto.

BILL 92**1973****An Act respecting Simcoe Day**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Where the first Monday in August in any year is ^{Simcoe Day} claimed a public holiday in a municipality, the name of the holiday shall be Simcoe Day.
2. Any Act, regulation, proclamation, contract or document that refers to a public holiday under the name of "Civic Holiday" shall be deemed to refer to Simcoe Day.
3. This Act comes into force on the day it receives Royal Assent.
4. This Act may be cited as *The Simcoe Day Act, 1973.* Short title

An Act respecting Simcoe Day

1st Reading

April 12th, 1973

2nd Reading

3rd Reading

MR. G. E. SMITH (Simcoe E.)

(*Private Member's Bill*)

CA20N
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BILL 93

Government Bill

Government
Publica

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

**An Act to amend The Public Transportation and
Highway Improvement Act**

THE HON. G. CARTON
Minister of Transportation and Communications



EXPLANATORY NOTES

SECTION 1. The provisions of the repealed subsection are contained in subsection 1 of section 87c that is enacted by section 2 of this Bill.

SECTION 2. The amendment authorizes the Minister to enter into agreements with respect to experimental or demonstration projects, the design of transit systems and rights related to transit systems.

BILL 93

1973

An Act to amend The Public Transportation and Highway Improvement Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 5 of section 87b of *The Public Transportation and Highway Improvement Act*, being chapter 201 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1971, chapter 61, section 14, is repealed.
2. The said Act is amended by adding thereto the following section:
 - 87c.—(1) The Minister and a municipality may enter into an agreement to provide, or to sell, lease or otherwise dispose of, all or any part of an experimental or demonstration project related to public transportation.
 - (2) The Minister may enter into an agreement with a firm or corporation,
 - (a) to provide all or any part of an experimental or demonstration project related to public transportation;
 - (b) to design, develop, construct, test and operate all or any part of a transit system related to public transportation;
 - (c) to acquire, hold, exercise, develop, license, sell, lease or otherwise dispose of rights related to all or any part of a transit system related to public transportation.
3. This Act comes into force on the day it receives Royal Assent.
4. This Act may be cited as *The Public Transportation and Highway Improvement Amendment Act, 1973*.

An Act to amend
The Public Transportation and
Highway Improvement Act

1st Reading

April 13th, 1973

2nd Reading

3rd Reading

THE HON. G. CARTON
Minister of Transportation and
Communications

(Government Bill)

CAZON

XB

-B 56

BILL 93

Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

**An Act to amend The Public Transportation and
Highway Improvement Act**

THE HON. G. CARTON
Minister of Transportation and Communications

(Reprinted as amended by the Committee of the Whole House)



TORONTO
PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTION 1. The provisions of the repealed subsection are contained in subsection 1 of section 87c that is enacted by section 2 of this Bill.

SECTION 2. The amendment authorizes the Minister to enter into agreements with respect to experimental or demonstration projects, the design of transit systems and rights related to transit systems.

BILL 93

1973

An Act to amend The Public Transportation and Highway Improvement Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 5 of section 87b of *The Public Transportation and Highway Improvement Act*, being chapter 201 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1971, chapter 61, section 14, is repealed.

2. The said Act is amended by adding thereto the following section:

87c.—(1) The Minister and a municipality may enter into an agreement to provide, or to sell, lease or otherwise dispose of, all or any part of an experimental or demonstration project related to public transportation.

(2) The Minister may enter into an agreement with a firm or corporation, and any such agreement shall give prime consideration to Canadian content and Canadian technology.

(a) to provide all or any part of an experimental or demonstration project related to public transportation;

(b) to design, develop, construct, test and operate all or any part of a demonstration transit system related to public transportation;

(c) to acquire, hold, exercise, develop, license, sell, lease or otherwise dispose of rights related to all or any part of a transit system related to public transportation.

3. This Act comes into force on the day it receives Royal Assent.

4. This Act may be cited as *The Public Transportation and Highway Improvement Amendment Act, 1973*.

An Act to amend
The Public Transportation and
Highway Improvement Act

1st Reading

April 13th, 1973

2nd Reading

April 24th, 1973

3rd Reading

THE HON. G. CARTON
Minister of Transportation and
Communications

*(Reprinted as amended by the
Committee of the Whole House)*

CA20N

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BILL 93

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

**An Act to amend The Public Transportation and
Highway Improvement Act**

THE HON. G. CARTON
Minister of Transportation and Communications



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

An Act to amend The Public Transportation and Highway Improvement Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 5 of section 87b of *The Public Transportation and Highway Improvement Act*, being chapter 201 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1971, chapter 61, section 14, is repealed.

2. The said Act is amended by adding thereto the following section:

87c.—(1) The Minister and a municipality may enter into an agreement to provide, or to sell, lease or otherwise dispose of, all or any part of an experimental or demonstration project related to public transportation.

(2) The Minister may enter into an agreement with a firm or corporation, and any such agreement shall give prime consideration to Canadian content and Canadian technology.

(a) to provide all or any part of an experimental or demonstration project related to public transportation;

(b) to design, develop, construct, test and operate all or any part of a demonstration transit system related to public transportation;

(c) to acquire, hold, exercise, develop, license, sell, lease or otherwise dispose of rights related to all or any part of a transit system related to public transportation.

3. This Act comes into force on the day it receives Royal Assent.

4. This Act may be cited as *The Public Transportation and Highway Improvement Amendment Act, 1973*.

An Act to amend
The Public Transportation and
Highway Improvement Act

1st Reading

April 13th, 1973

2nd Reading

April 24th, 1973

3rd Reading

April 26th, 1973

THE HON. G. CARTON
Minister of Transportation and
Communications

CA20N

XB

-B 56

BILL 94

Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973



An Act to amend The Corporations Tax Act, 1972

THE HON. J. WHITE

Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs

TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

GENERAL. The Bill prohibits the deduction from income of a part of management fees, rents, royalties and other similar payments made by a corporation to a non-resident with whom the paying corporation is not dealing at arm's length.

The Bill also repeals the special taxes imposed on banks, railway corporations, telegraph companies, etc., and provides that these corporations will pay capital tax under the Act at the new rates proposed in this Bill. The capital tax under the Act is raised to two-fifths of one per cent of the taxable paid-up capital of banks, and to one-fifth of one per cent of the taxable paid-up capital for other corporations. The taxable paid-up capital of a bank is given a special definition in the Act.

New refund provisions are proposed for mutual fund corporations to allow full refunds of capital gains tax to avoid the double taxation of capital gains that they distribute to their shareholders, and provisions are proposed to deal with non-profit organizations that are able to distribute income or property to their members or shareholders.

Finally, amendments are proposed to clarify existing provisions of the Act.

SECTION 1 corrects an erroneous reference to paragraph 77 that is now contained in clause *c* of subsections 2 and 3 of section 2 of the Act.

SECTION 2. The definition of permanent establishment is expanded to include a reference to public entertainment presented in Canada by a non-resident corporation to clarify that such performance constitutes a permanent establishment.

SECTION 3. The repealed provision required a deduction from the undepreciated capital cost of mining property of the amount of certain exempt income. This provision is not required because *The Corporations Tax Act, 1972*, does not contain similar provisions to the *Income Tax Act (Canada)* which will, following a transitional period, replace the three year exemption for new mines with accelerated write-off of new mine assets.

SECTION 4. This amendment will disallow as a deduction from a corporation's income five-twelfths of management fees, rents, royalties and other similar payments that are made to a non-resident person with whom the paying corporation was not dealing at arm's length and where such payments are subjected to withholding tax under the *Income Tax Act (Canada)*. The disallowance will not apply where the recipient corporation is, itself, taxed only on net rental income as its sole source of income because of an election it has made to calculate its tax payable as though it were taxed under Part I of the *Income Tax Act (Canada)*.

BILL 94

1973

**An Act to amend The Corporations
Tax Act, 1972**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *c* of subsection 2 of section 2 of *The Corporations Tax Act, 1972*, being chapter 143, is amended by striking <sup>s. 2(2)(c),
amended</sup> out “77” in the second line and inserting in lieu thereof “76”.

(2) Clause *c* of subsection 3 of the said section 2 is amended by <sup>s. 2(3)(c),
amended</sup> striking out “77” in the second line and inserting in lieu thereof “76”.

2. Subsection 8 of section 7 of the said Act is repealed and the <sup>s. 7(8),
re-enacted</sup> following substituted therefor:

(8) The fact that a non-resident corporation in a fiscal <sup>Permanent
establishment</sup> year produced, grew, mined, created, manufactured, fabricated, improved, packed, preserved or constructed in whole or in part anything in Canada whether or not the corporation exported that thing without selling it prior to exportation, or the fact that a non-resident corporation produced or presented any form of entertainment by means of a performance on a public stage or in an auditorium or other public place in Canada, shall of itself, for the purposes of this Act, be deemed to mean that the corporation maintained a permanent establishment at any place where the corporation did any of those things in the fiscal year.

3. Subclause *iv* of clause *f* of subsection 17 of section 17 of the said <sup>s. 17(17)
(f)(iv),
repealed</sup> Act is repealed.

4. Clause *l* of subsection 1 of section 22 of the said Act is repealed <sup>s. 22(1)(l),
re-enacted</sup> and the following substituted therefor:

(*l*) 5/12 of the aggregate of amounts each of which is <sup>Management
fee, rent and
similar
payments</sup> an amount in respect of,

- (i) a management or administration fee or charge,
- (ii) a rent, royalty or a similar payment, and
- (iii) a right in or to the use of motion picture films or films or video tapes for use in connection with television that have been or are to be used or reproduced by the corporation in Canada,

that were paid or credited, or deemed to be paid or credited, in the fiscal year to a non-resident person with whom the corporation was not dealing at arm's length to the extent that such amounts were subjected to taxation under paragraph *a*, *d* or *e* of subsection 1 of section 212 of the *Income Tax Act* (Canada) or subsection 5 of that section, except that subclause ii does not apply where an amount is paid or credited or deemed to be paid or credited to a non-resident person that is a corporation liable to the taxes imposed under this Act by virtue of clause *b* of subsection 2 or 3 of section 2.

1970-71,
c. 63 (Can.)

s. 24,
amended

No deduction
in respect of
property in
certain
circumstances

5. Section 24 of the said Act is amended by adding thereto the following subsection:

(9a) Clause *ø* of subsection 1 does not apply to allow a deduction in computing the income of a corporation for a fiscal year from a business where the corporation has, in the fiscal year, sold, pledged, assigned or in any other manner disposed of any security received by it as payment in whole or in part for the sale of property in respect of which the corporation has, in that or a previous fiscal year, been allowed a deduction under that clause.

s. 51 (2),
amended

6. Subsection 2 of section 51 of the said Act is amended by striking out "Where at any time an option described in subsection 1, other than an option the consideration for the granting of which is an amount described in subclause v of clause *b* of subsection 12 of section 63 paid pursuant to an agreement described in that subclause, that has been granted by a corporation after 1971 expires" in the first, second, third, fourth, fifth and sixth lines and inserting in lieu thereof "Where at any time an option granted after 1971 by a corporation to acquire shares of its capital stock or bonds or debentures to be issued by it, other than an option the consideration for the granting of which is an amount described in subclause v of clause *b* of subsection 12 of section 63 and paid pursuant to an agreement described in that subclause, expires".

s. 98 (1) (b),
amended

7. Clause *b* of subsection 1 of section 98 of the said Act is amended by striking out "subsection 1" in the ninth line and inserting in lieu thereof "clause *a*".

SECTION 5. Where a corporation has sold property and taken back security, such as a mortgage, for the future payment of the sale price, it will not be entitled to deduct from its income a reserve for those future payments after it has sold or disposed of the security and thereby received the value of the future payments.

SECTION 6. This amendment removes a reference to subsection 1 and clarifies the option to which the provision applies.

SECTION 7 corrects an inaccurately-described reference.

SECTION 8. The proposed amendment will provide the following two changes:

1. Ontario will now refund the full amount of the tax levied under the Act on the capital gains of mutual fund corporations, when they pay dividends to shareholders or redeem capital stock, and
2. The reference to the relationship between the Ontario refund and the Federal refund is removed in order that the Ontario refund will cease to be dependent on the amount of Federal refund. This change is required to overcome the complexities that (by virtue of the change in Federal rates) would result if Ontario's refund were continued to be expressed as a percentage of the Federal refund.

8.—(1) Clause *a* of subsection 1 of section 109 of the said Act <sup>s. 109 (1) (a),
amended</sup> is amended by striking out “as defined by paragraph *b* of subsection 6 of section 131 of the *Income Tax Act (Canada)*” in the third, fourth and fifth lines.

(2) Subsection 2 of the said section 109 is repealed and the <sup>s. 109 (2),
re-enacted</sup> following substituted therefor:

(2) Where a corporation has in a fiscal year become <sup>Capital
gains refund
to mutual
fund
corporation
1970-71
c. 63 (Can.)</sup> entitled to a refund by virtue of subsection 2 of section 131 of the *Income Tax Act (Canada)*, the Minister,

(a) may, upon mailing the notice of assessment for the fiscal year, refund without application therefor an amount (in this section referred to as its “capital gains refund” for the fiscal year) equal to the lesser of,

(i) 6 per cent of the aggregate of,

(A) all capital gains dividends paid by the corporation in the fiscal year, and

(B) its capital gains redemptions for the fiscal year, and

(ii) the corporation’s refundable capital gains tax on hand at the end of the fiscal year; and

(b) shall make such a refund after mailing the notice of assessment if application therefor has been made in writing by the corporation within four years from the end of the fiscal year.

(2a) Where a corporation had a permanent establishment in a jurisdiction outside Ontario during a fiscal year in respect of which subsection 2 applies, the capital gains refund otherwise determined under subsection 2 shall be that proportion thereof that the taxable income of the corporation that is deemed to have been earned in Ontario for that fiscal year for the purposes of section 103 bears to its total taxable income or, where its taxable income is nil, the capital gains refund otherwise determined under subsection 2 shall be that proportion thereof that the corporation’s taxable paid-up capital that is deemed to have been used in Ontario for that fiscal year for the purposes of section 132 bears to its total taxable paid-up capital. <sup>Apportion-
ment of
capital gains
refund</sup>

(3) The said section 109 is amended by adding thereto the <sup>s. 109,
amended</sup> following subsections:

(5) In this section,

(a) "capital gains dividend account" of a mutual fund corporation at any time means the amount, if any, by which,

(i) its capital gains from dispositions of property after 1971 and before that time while it was a mutual fund corporation,

exceeds

(ii) the aggregate of,

(A) its capital losses from dispositions of property after 1971 and before that time while it was a mutual fund corporation,

(B) all capital gains dividends that become payable by the corporation before that time and after the end of the last fiscal year ending before that time, and

(C) all amounts each of which is an amount in respect of any fiscal year of the corporation ending before that time throughout which it was a mutual fund corporation, equal to $16 \frac{2}{3}$ times its capital gains refund for that fiscal year;

(b) "capital gains redemptions" of a mutual fund corporation for a fiscal year means that proportion of,

(i) the aggregate of,

(A) $16 \frac{2}{3}$ times its refundable capital gains tax on hand at the end of the fiscal year, and

(B) the amount, if any, by which the aggregate of the fair market value at the end of the fiscal year of all of the issued shares of its capital stock and all amounts each of which is the amount of any debt owing by the corporation, or of any other obligation of the corporation to pay an amount, that was outstanding at that time exceeds the

aggregate of the cost amounts to it at that time of all of its properties and the amount of any money of the corporation on hand at that time,

that

- (ii) the aggregate of amounts paid by it in the fiscal year on the redemption of shares of its capital stock

is of

- (iii) the aggregate of the fair market value at the end of the fiscal year of all of the issued shares of its capital stock and the amount determined under subclause ii in respect of the corporation for the fiscal year; and

(c) “refundable capital gains tax on hand” of a mutual fund corporation at the end of a fiscal year means the amount, if any, by which,

- (i) the aggregate of amounts each of which is an amount in respect of that or any previous fiscal year throughout which it was a mutual fund corporation, equal to 12 per cent of the lesser of its taxable income for the fiscal year and its taxed capital gains for the fiscal year,

exceeds

- (ii) the aggregate of amounts each of which is an amount in respect of any previous fiscal year throughout which it was a mutual fund corporation, equal to its capital gains refund for the fiscal year.

(6) In subsection 5, “taxed capital gains” of a corporation^{Idem} for a fiscal year is the amount, if any, by which,

- (i) its taxable capital gains for the fiscal year from dispositions of property,

exceeds

- (ii) the aggregate of its allowable capital losses for the fiscal year from dispositions of property and the amount, if any, deductible under clause b of subsection 1 of section 99 for the purpose of computing its taxable income for the fiscal year.

s. 122(1)(i),
re-enacted

9.—(1) Clause *i* of subsection 1 of section 122 of the said Act is repealed and the following substituted therefor:

Non-profit
organizations

(i) a club, society or association organized and operated exclusively for social welfare, civic improvement, pleasure or recreation, or for any other purpose except profit, which has not in the fiscal year or in any previous fiscal year distributed any part of its income to any proprietor, member or shareholder thereof, or appropriated any of its funds or property in any manner whatever to or for the benefit of any proprietor, member or shareholder thereof.

s. 122,
amended

(2) The said section 122 is amended by adding thereto the following subsection:

Tax payable
where distri-
bution made
to members or
shareholders

(1a) Where a corporation described in clause *i* of subsection 1,

(a) has in the fiscal year distributed any part of its income or distributed or otherwise appropriated any of its funds or property in any manner whatever to or for the benefit of any proprietor, member or shareholder thereof, such corporation shall be liable to the taxes imposed under this Act for the fiscal year in which the distribution is made and for subsequent fiscal years, and in computing its income for the fiscal year in which the distribution is made, it shall include the aggregate of its income of all previous fiscal years;

(b) has, after 1971, distributed any of its income or distributed or otherwise appropriated any of its funds or property in any manner whatever to or for the benefit of any proprietor, member or shareholder thereof on the winding up or discontinuance of its business, the corporation shall be deemed to have received income in that fiscal year equal to the amount, if any, by which the amount of the funds and the value of the property distributed or appropriated, as the case may be, exceeds the aggregate of,

(i) amounts paid in by proprietors, members or shareholders on account of capital, and

(ii) that part of the corporation's surplus that is attributed to income that was exempt under this section other than taxable capital gains.

SECTION 9. This amendment ensures the continued exemption from tax for a non-profit organization, provided that it does not distribute its income or appropriate any of its property to members or shareholders. The amendment also provides rules that will apply upon the reorganization or the winding-up of such an organization where it has become disqualified from exemption.

SECTION 10 makes it clear that the capital tax payable by a corporation is to be calculated upon its taxable paid-up capital.

SECTION 11. Subsection 1 amends the Act to provide that all money borrowed by a corporation from a bank will now be included as part of the corporation's paid-up capital.

Subsection 2 defines the taxable paid-up capital of a bank thereby providing a base for capital tax imposed on banks. The special taxes provided for banks in the Act will be repealed.

SECTION 12. This amendment provides that a bank, in calculating its taxable paid-up capital, may not deduct the costs of investments and of loans to other corporations. The corporation that is not a bank must include loans from other corporations in its taxable paid-up capital, but a bank is not required to do so, and no deduction in respect of such investments is necessary.

SECTION 13. This amendment provides that corporations incorporated outside Canada that carry on their business entirely in Canada pay capital tax only on the basis of their taxable paid-up capital. At present, such corporations, although their whole business is in Canada, can be liable to pay capital tax calculated on the capitalized value of 8 per cent of their taxable income. The amendment will abolish this distinction where all of the business of a company is done in Canada.

SECTION 14 raises from one-tenth of one per cent to one-fifth of one per cent the capital tax payable by a corporation other than a bank, and imposes a uniform rate of two-fifths of one per cent on banks, with respect to their taxable paid-up capital. This new rate replaces the present special tax on banks as well as the office tax on banks.

10.—(1) Clause *a* of section 123 of the said Act is amended by <sup>s. 123(a),
amended</sup> striking out “upon its taxable paid-up capital” in the second line and inserting in lieu thereof “calculated upon its taxable paid-up capital”.

(2) Clause *b* of the said section 123 is amended by striking <sup>s. 123(b),
amended</sup> out “upon its taxable paid-up capital employed in Canada” in the second and third lines and inserting in lieu thereof “calculated upon its taxable paid-up capital employed in Canada”.

11.—(1) Clause *d* of section 126 of the said Act is repealed and <sup>s. 126(d),
re-enacted</sup> the following substituted therefor:

(*d*) all sums or credits advanced or loaned to the corporation by its shareholders directly or indirectly or by any other corporation; and

(2) The said section 126 is amended by adding thereto the <sup>s. 126,
amended</sup> following subsection:

(2) Notwithstanding subsection 1, the taxable paid-up <sup>Taxable
paid-up
capital
of banks</sup> capital of a bank for a fiscal year is its taxable paid-up capital as it stood at the close of the fiscal year, and includes,

(*a*) its paid-up capital stock;

(*b*) its reserve fund; and

(*c*) its undivided profits.

12. Section 127 of the said Act is amended by adding thereto the <sup>s. 127,
amended</sup> following subsection:

(2a) Subsections 1 and 2 do not apply to any corporation ^{Exception} to which subsection 2 of section 126 applies.

13. Section 128 of the said Act is amended by adding thereto the <sup>s. 128,
amended</sup> following subsection:

(2) Subsection 1 does not apply where the business of the <sup>Business
wholly in
Canada</sup> corporation was carried on entirely in Canada, and in any such case, the corporation’s taxable paid-up capital employed in Canada shall be determined in accordance with the provisions of Division B of this Part.

14. Section 131 of the said Act is repealed and the following <sup>s. 131,
re-enacted</sup> substituted therefor:

Rate of
capital
tax on
non-banking
corporations

Rate of
capital tax
on banks

s. 132,
re-enacted

Deduction
from tax
on paid-up
capital

Idem

s. 134,
amended

ss. 138-142,
repealed

s. 143,
amended

Insurance
corporation,
what included

R.S.O. 1970,
c. 224

s. 143(4)(b),
re-enacted

131.—(1) Except as provided in subsection 2, the tax payable under this Part by a corporation for a fiscal year calculated upon its taxable paid-up capital or taxable paid-up capital employed in Canada, as the case may be, in this subsection referred to as the “amount taxable”, is one fifth of 1 per cent of the amount taxable.

(2) The tax payable under this Part by a bank for a fiscal year calculated upon its taxable paid-up capital, in this subsection referred to as the “amount taxable”, is two-fifths of 1 per cent of the amount taxable.

15. Section 132 of the said Act is repealed and the following substituted therefor:

132.—(1) Except as provided in subsection 2, there may be deducted from the tax otherwise payable under this Part by a corporation for a fiscal year an amount equal to one-fifth of 1 per cent of that portion of the taxable paid-up capital or taxable paid-up capital employed in Canada, as the case may be, which is deemed to be used by the corporation in the fiscal year in each jurisdiction outside Ontario determined under rules prescribed by the regulations.

(2) There may be deducted from the tax otherwise payable under this Part by a bank for a fiscal year an amount equal to two-fifths of 1 per cent of that portion of its taxable paid-up capital, which is deemed to be used by the bank in the fiscal year in each jurisdiction outside Ontario determined under rules prescribed by the regulations.

16. Section 134 of the said Act is amended by striking out “138, 139, 140, 141, 142 or” in the second and third lines.

17. Sections 138, 139, 140, 141 and 142 of the said Act are repealed.

18.—(1) Section 143 of the said Act is amended by adding thereto the following subsection:

(2a) For the purposes of this section, “insurance corporation” and “corporation”, as the case may be, include underwriters and syndicates of underwriters operating on the plan known as Lloyds, and include fraternal societies as defined in *The Insurance Act*.

(2) Clause *b* of subsection 4 of the said section 143 is repealed and the following substituted therefor:

SECTION 15. This amendment provides that corporations and banks may deduct from the capital tax imposed by the Act the proportion of tax on taxable paid-up capital which is deemed to be used by the corporation or bank outside Ontario. The rate of tax referred to in the amendment is the new rate imposed in section 14 of the Bill.

SECTION 16. This section repeals references to sections of the Act that are being repealed by this Bill.

SECTION 17. This section repeals the special taxes imposed by the Act on banks, railway, telegraph and express corporations and corporations that operate sleeping or parlour cars in Ontario. These corporations will now become liable to pay the capital tax calculated upon taxable paid-up capital similar to other corporations.

SECTION 18. This amendment makes it clear that the premiums tax imposed by section 143 of the Act applies to insurers operating on the plan known as Lloyds. The premiums tax will also become payable by fraternal societies with respect to contracts of insurance that they issue on and after January 1, 1974, although insurance contracts issued by fraternal societies prior to that date will remain exempt from the premiums tax.

SECTION 19. The repealed provision provided for the apportionment of special taxes, except premiums tax, where the fiscal year of a corporation paying such a tax was less than 365 days. With the repeal of these special taxes, section 144 of the Act became redundant, and is accordingly repealed.

(b) fraternal societies as defined in *The Insurance Act*, R.S.O. 1970, c. 224 with respect to contracts entered into prior to the first day of January, 1974;

(ba) mutual benefit societies as defined in *The Insurance Act*, or

19. Section 144 of the said Act is repealed.

s. 144,
repealed

20.—(1) In this section, “the principal Act” means *The Corporations Tax Act, 1972*. Commencement and application

(2) This Act, except sections 1, 3, 4, 5, 6, 7, 8, 11, 12, 13, 14, Idem 15, 16, 17 and 19, comes into force on the day it receives Royal Assent.

(3) Sections 1, 3, 6, 7, 8 and 13 shall be deemed to have Idem come into force on the 1st day of January, 1972 and apply to corporations in respect of all fiscal years that end during or after 1972.

(4) Section 4 shall be deemed to have come into force on the Idem 13th day of April, 1973, and applies to corporations in respect of all fiscal years that end after the 12th day of April, 1973, but only with respect to amounts that were paid or credited or that were deemed to have been paid or credited after the 12th day of April, 1973 by virtue of clause *l* of subsection 1 of section 22 of the principal Act, as re-enacted by this Act.

(5) Section 5 shall be deemed to have come into force on the Idem 13th day of April, 1973, and applies where a corporation, after the 12th day of April, 1973, sold, pledged, assigned or in any other manner disposed of any security received by it as payment in whole or in part for the sale of property in respect of which the corporation has been allowed a deduction under clause *p* of subsection 1 of section 24 of the principal Act.

(6) Sections 11, 12, 14, 15, 16, 17 and 19 shall be deemed to Idem have come into force on the 13th day of April, 1973 and apply to corporations with respect to all fiscal years that end after the 12th day of April, 1973, except that, in determining the tax payable by a corporation under Part III of the principal Act, as amended by ^{*}this Act, with respect to the fiscal year of a corporation that ends after the 12th day of April, 1973 and that includes that day, the following rules apply,

- (a) determine the tax under Part III of the principal Act, as amended by this Act that, but for the rules made applicable by this section, would be payable by the corporation for a fiscal year that ends after the 12th day of April, 1973 and that includes that day;
- (b) determine the proportion of the amount determined under clause *a* that the number of days of the fiscal year that follow the 12th day of April, 1973 bears to the total number of days of that fiscal year;
- (c) determine the tax that, but for the rules made applicable by this section, would be payable for the fiscal year that ends after the 12th day of April, 1973, and that includes that day under Part III or IV of the principal Act, as the case may be, as those parts stood prior to the 13th day of April, 1973, and on the assumption that those parts were applicable to that fiscal year;
- (d) determine that proportion of the amount determined under clause *c* that the number of days of the fiscal year prior to the 13th day of April, 1973 bears to the total number of days of that fiscal year;
- (e) determine the aggregate of the amounts determined under clauses *b* and *d* in respect of the corporation,

and the aggregate determined under clause *e* is the tax under Part III of the principal Act, as amended by this Act, that is payable by the corporation for its fiscal year that ends after the 12th day of April, 1973 and that includes that day.

Short title

21. This Act may be cited as *The Corporations Tax Amendment Act, 1973.*

An Act to amend
The Corporations
Tax Act, 1972

1st Reading

April 16th, 1973

2nd Reading

3rd Reading

THE HON. J. WHITE
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

(*Government Bill*)

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3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Corporations Tax Act, 1972

THE HON. J. WHITE

Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

BILL 94

1973

**An Act to amend The Corporations
Tax Act, 1972**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *c* of subsection 2 of section 2 of *The Corporations Tax Act, 1972*, being chapter 143, is amended by striking out “77” in the second line and inserting in lieu thereof “76”.

(2) Clause *c* of subsection 3 of the said section 2 is amended by striking out “77” in the second line and inserting in lieu thereof “76”.

2. Subsection 8 of section 7 of the said Act is repealed and the following substituted therefor:

(8) The fact that a non-resident corporation in a fiscal year produced, grew, mined, created, manufactured, fabricated, improved, packed, preserved or constructed in whole or in part anything in Canada whether or not the corporation exported that thing without selling it prior to exportation, or the fact that a non-resident corporation produced or presented any form of entertainment by means of a performance on a public stage or in an auditorium or other public place in Canada, shall of itself, for the purposes of this Act, be deemed to mean that the corporation maintained a permanent establishment at any place where the corporation did any of those things in the fiscal year.

3. Subclause *iv* of clause *f* of subsection 17 of section 17 of the said Act is repealed.

4. Clause *l* of subsection 1 of section 22 of the said Act is repealed and the following substituted therefor:

(*l*) $5/12$ of the aggregate of amounts each of which is an amount in respect of,

Management
fee, rent and
similar
payments

- (i) a management or administration fee or charge,
- (ii) a rent, royalty or a similar payment, and
- (iii) a right in or to the use of motion picture films or films or video tapes for use in connection with television that have been or are to be used or reproduced by the corporation in Canada,

that were paid or credited, or deemed to be paid or credited, in the fiscal year to a non-resident person with whom the corporation was not dealing at arm's length to the extent that such amounts were subjected to taxation under paragraph *a*, *d* or *e* of subsection 1 of section 212 of the *Income Tax Act* (Canada) or subsection 5 of that section, except that subclause ii does not apply where an amount is paid or credited or deemed to be paid or credited to a non-resident person that is a corporation liable to the taxes imposed under this Act by virtue of clause *b* of subsection 2 or 3 of section 2.

1970-71,
c. 63 (Can.)

s. 24,
amended

No deduction
in respect of
property in
certain
circumstances

s. 51 (2),
amended

5. Section 24 of the said Act is amended by adding thereto the following subsection:

(9a) Clause *p* of subsection 1 does not apply to allow a deduction in computing the income of a corporation for a fiscal year from a business where the corporation has, in the fiscal year, sold, pledged, assigned or in any other manner disposed of any security received by it as payment in whole or in part for the sale of property in respect of which the corporation has, in that or a previous fiscal year, been allowed a deduction under that clause.

6. Subsection 2 of section 51 of the said Act is amended by striking out "Where at any time an option described in subsection 1, other than an option the consideration for the granting of which is an amount described in subclause v of clause *b* of subsection 12 of section 63 paid pursuant to an agreement described in that subclause, that has been granted by a corporation after 1971 expires" in the first, second, third, fourth, fifth and sixth lines and inserting in lieu thereof "Where at any time an option granted after 1971 by a corporation to acquire shares of its capital stock or bonds or debentures to be issued by it, other than an option the consideration for the granting of which is an amount described in subclause v of clause *b* of subsection 12 of section 63 and paid pursuant to an agreement described in that subclause, expires".

s. 98 (1) (b),
amended

7. Clause *b* of subsection 1 of section 98 of the said Act is amended by striking out "subsection 1" in the ninth line and inserting in lieu thereof "clause *a*".

8. -(1) Clause *a* of subsection 1 of section 109 of the said Act^{s. 109(1)(a), amended} is amended by striking out “as defined by paragraph *b* of subsection 6 of section 131 of the *Income Tax Act (Canada)*” in the third, fourth and fifth lines.

(2) Subsection 2 of the said section 109 is repealed and the^{s. 109(2), re-enacted} following substituted therefor:

(2) Where a corporation has in a fiscal year become entitled to a refund by virtue of subsection 2 of section 131 of the *Income Tax Act (Canada)*, the Minister,

Capital
gains refund
to mutual
fund
corporation
1970-71,
c. 63 (Can.)

(a) may, upon mailing the notice of assessment for the fiscal year, refund without application therefor an amount (in this section referred to as its “capital gains refund” for the fiscal year) equal to the lesser of,

(i) 6 per cent of the aggregate of,

(A) all capital gains dividends paid by the corporation in the fiscal year, and

(B) its capital gains redemptions for the fiscal year, and

(ii) the corporation’s refundable capital gains tax on hand at the end of the fiscal year; and

(b) shall make such a refund after mailing the notice of assessment if application therefor has been made in writing by the corporation within four years from the end of the fiscal year.

(2a) Where a corporation had a permanent establishment<sup>Apportion-
ment of
capital gains
refund</sup> in a jurisdiction outside Ontario during a fiscal year in respect of which subsection 2 applies, the capital gains refund otherwise determined under subsection 2 shall be that proportion thereof that the taxable income of the corporation that is deemed to have been earned in Ontario for that fiscal year for the purposes of section 103 bears to its total taxable income or, where its taxable income is nil, the capital gains refund otherwise determined under subsection 2 shall be that proportion thereof that the corporation’s taxable paid-up capital that is deemed to have been used in Ontario for that fiscal year for the purposes of section 132 bears to its total taxable paid-up capital.

(3) The said section 109 is amended by adding thereto the<sup>s. 109,
amended</sup> following subsections:

(5) In this section,

(a) "capital gains dividend account" of a mutual fund corporation at any time means the amount, if any, by which,

(i) its capital gains from dispositions of property after 1971 and before that time while it was a mutual fund corporation,

exceeds

(ii) the aggregate of,

(A) its capital losses from dispositions of property after 1971 and before that time while it was a mutual fund corporation,

(B) all capital gains dividends that become payable by the corporation before that time and after the end of the last fiscal year ending before that time, and

(C) all amounts each of which is an amount in respect of any fiscal year of the corporation ending before that time throughout which it was a mutual fund corporation, equal to $16 \frac{2}{3}$ times its capital gains refund for that fiscal year;

(b) "capital gains redemptions" of a mutual fund corporation for a fiscal year means that proportion of,

(i) the aggregate of,

(A) $16 \frac{2}{3}$ times its refundable capital gains tax on hand at the end of the fiscal year, and

(B) the amount, if any, by which the aggregate of the fair market value at the end of the fiscal year of all of the issued shares of its capital stock and all amounts each of which is the amount of any debt owing by the corporation, or of any other obligation of the corporation to pay an amount, that was outstanding at that time exceeds the

aggregate of the cost amounts to it at that time of all of its properties and the amount of any money of the corporation on hand at that time,

that

- (ii) the aggregate of amounts paid by it in the fiscal year on the redemption of shares of its capital stock

is of

- (iii) the aggregate of the fair market value at the end of the fiscal year of all of the issued shares of its capital stock and the amount determined under subclause ii in respect of the corporation for the fiscal year; and

(c) "refundable capital gains tax on hand" of a mutual fund corporation at the end of a fiscal year means the amount, if any, by which,

- (i) the aggregate of amounts each of which is an amount in respect of that or any previous fiscal year throughout which it was a mutual fund corporation, equal to 12 per cent of the lesser of its taxable income for the fiscal year and its taxed capital gains for the fiscal year,

exceeds

- (ii) the aggregate of amounts each of which is an amount in respect of any previous fiscal year throughout which it was a mutual fund corporation, equal to its capital gains refund for the fiscal year.

(6) In subsection 5, "taxed capital gains" of a corporation^{Idem} for a fiscal year is the amount, if any, by which,

- (i) its taxable capital gains for the fiscal year from dispositions of property,

exceeds

- (ii) the aggregate of its allowable capital losses for the fiscal year from dispositions of property and the amount, if any, deductible under clause b of subsection 1 of section 99 for the purpose of computing its taxable income for the fiscal year.

s. 122(1)(i),
re-enacted

9.—(1) Clause *i* of subsection 1 of section 122 of the said Act is repealed and the following substituted therefor:

Non-profit
organizations

(i) a club, society or association organized and operated exclusively for social welfare, civic improvement, pleasure or recreation, or for any other purpose except profit, which has not in the fiscal year or in any previous fiscal year distributed any part of its income to any proprietor, member or shareholder thereof, or appropriated any of its funds or property in any manner whatever to or for the benefit of any proprietor, member or shareholder thereof.

s. 122,
amended

(2) The said section 122 is amended by adding thereto the following subsection:

Tax payable
where distri-
bution made
to members or
shareholders

(1a) Where a corporation described in clause *i* of subsection 1,

(a) has in the fiscal year distributed any part of its income or distributed or otherwise appropriated any of its funds or property in any manner whatever to or for the benefit of any proprietor, member or shareholder thereof, such corporation shall be liable to the taxes imposed under this Act for the fiscal year in which the distribution is made and for subsequent fiscal years, and in computing its income for the fiscal year in which the distribution is made, it shall include the aggregate of its income of all previous fiscal years;

(b) has, after 1971, distributed any of its income or distributed or otherwise appropriated any of its funds or property in any manner whatever to or for the benefit of any proprietor, member or shareholder thereof on the winding up or discontinuance of its business, the corporation shall be deemed to have received income in that fiscal year equal to the amount, if any, by which the amount of the funds and the value of the property distributed or appropriated, as the case may be, exceeds the aggregate of,

(i) amounts paid in by proprietors, members or shareholders on account of capital, and

(ii) that part of the corporation's surplus that is attributed to income that was exempt under this section other than taxable capital gains.

10.—(1) Clause *a* of section 123 of the said Act is amended by <sup>s. 123 (a),
amended</sup> striking out “upon its taxable paid-up capital” in the second line and inserting in lieu thereof “calculated upon its taxable paid-up capital”.

(2) Clause *b* of the said section 123 is amended by striking <sup>s. 123 (b),
amended</sup> out “upon its taxable paid-up capital employed in Canada” in the second and third lines and inserting in lieu thereof “calculated upon its taxable paid-up capital employed in Canada”.

11.—(1) Clause *d* of section 126 of the said Act is repealed and <sup>s. 126 (d),
re-enacted</sup> the following substituted therefor:

(*d*) all sums or credits advanced or loaned to the corporation by its shareholders directly or indirectly or by any other corporation; and

(2) The said section 126 is amended by adding thereto the <sup>s. 126,
amended</sup> following subsection:

(2) Notwithstanding subsection 1, the taxable paid-up <sup>Taxable
paid-up
capital
of banks</sup> capital of a bank for a fiscal year is its taxable paid-up capital of banks as it stood at the close of the fiscal year, and includes,

(*a*) its paid-up capital stock;

(*b*) its reserve fund; and

(*c*) its undivided profits.

12. Section 127 of the said Act is amended by adding thereto the <sup>s. 127,
amended</sup> following subsection:

(2a) Subsections 1 and 2 do not apply to any corporation ^{Exception} to which subsection 2 of section 126 applies.

13. Section 128 of the said Act is amended by adding thereto the <sup>s. 128,
amended</sup> following subsection:

(2) Subsection 1 does not apply where the business of the <sup>Business
wholly in
Canada</sup> corporation was carried on entirely in Canada, and in any such case, the corporation’s taxable paid-up capital employed in Canada shall be determined in accordance with the provisions of Division B of this Part.

14. Section 131 of the said Act is repealed and the following <sup>s. 131,
re-enacted</sup> substituted therefor:

Rate of
capital
tax on
non-banking
corporations

131.—(1) Except as provided in subsection 2, the tax payable under this Part by a corporation for a fiscal year calculated upon its taxable paid-up capital or taxable paid-up capital employed in Canada, as the case may be, in this subsection referred to as the “amount taxable”, is one fifth of 1 per cent of the amount taxable.

Rate of
capital tax
on banks

(2) The tax payable under this Part by a bank for a fiscal year calculated upon its taxable paid-up capital, in this subsection referred to as the “amount taxable”, is two-fifths of 1 per cent of the amount taxable.

s. 132,
re-enacted

15. Section 132 of the said Act is repealed and the following substituted therefor:

Deduction
from tax
on paid-up
capital

132.—(1) Except as provided in subsection 2, there may be deducted from the tax otherwise payable under this Part by a corporation for a fiscal year an amount equal to one-fifth of 1 per cent of that portion of the taxable paid-up capital or taxable paid-up capital employed in Canada, as the case may be, which is deemed to be used by the corporation in the fiscal year in each jurisdiction outside Ontario determined under rules prescribed by the regulations.

Idem

(2) There may be deducted from the tax otherwise payable under this Part by a bank for a fiscal year an amount equal to two-fifths of 1 per cent of that portion of its taxable paid-up capital, which is deemed to be used by the bank in the fiscal year in each jurisdiction outside Ontario determined under rules prescribed by the regulations.

s. 134,
amended

16. Section 134 of the said Act is amended by striking out “138, 139, 140, 141, 142 or” in the second and third lines.

ss. 138-142,
repealed

17. Sections 138, 139, 140, 141 and 142 of the said Act are repealed.

s. 143,
amended

18.—(1) Section 143 of the said Act is amended by adding thereto the following subsection:

Insurance
corporation,
what included

(2a) For the purposes of this section, “insurance corporation” and “corporation”, as the case may be, include underwriters and syndicates of underwriters operating on the plan known as Lloyds, and include fraternal societies as defined in *The Insurance Act*.

R.S.O. 1970,
c. 224

s. 143(4) (b),
re-enacted

(2) Clause b of subsection 4 of the said section 143 is repealed and the following substituted therefor:

(b) fraternal societies as defined in *The Insurance Act*, <sup>R.S.O. 1970,
c. 224</sup> with respect to contracts entered into prior to the first day of January, 1974;

(ba) mutual benefit societies as defined in *The Insurance Act*, or

19. Section 144 of the said Act is repealed.

s. 144,
repealed

20.—(1) In this section, “the principal Act” means *The Corporations Tax Act, 1972*. ^{Commencement and application}

(2) This Act, except sections 1, 3, 4, 5, 6, 7, 8, 11, 12, 13, 14, ^{Idem} 15, 16, 17 and 19, comes into force on the day it receives Royal Assent.

(3) Sections 1, 3, 6, 7, 8 and 13 shall be deemed to have ^{Idem} come into force on the 1st day of January, 1972 and apply to corporations in respect of all fiscal years that end during or after 1972.

(4) Section 4 shall be deemed to have come into force on the ^{Idem} 13th day of April, 1973, and applies to corporations in respect of all fiscal years that end after the 12th day of April, 1973, but only with respect to amounts that were paid or credited or that were deemed to have been paid or credited after the 12th day of April, 1973 by virtue of clause *l* of subsection 1 of section 22 of the principal Act, as re-enacted by this Act.

(5) Section 5 shall be deemed to have come into force on the ^{Idem} 13th day of April, 1973, and applies where a corporation, after the 12th day of April, 1973, sold, pledged, assigned or in any other manner disposed of any security received by it as payment in whole or in part for the sale of property in respect of which the corporation has been allowed a deduction under clause *p* of subsection 1 of section 24 of the principal Act.

(6) Sections 11, 12, 14, 15, 16, 17 and 19 shall be deemed to ^{Idem} have come into force on the 13th day of April, 1973 and apply to corporations with respect to all fiscal years that end after the 12th day of April, 1973, except that, in determining the tax payable by a corporation under Part III of the principal Act, as amended by this Act, with respect to the fiscal year of a corporation that ends after the 12th day of April, 1973 and that includes that day, the following rules apply.

- (a) determine the tax under Part III of the principal Act, as amended by this Act that, but for the rules made applicable by this section, would be payable by the corporation for a fiscal year that ends after the 12th day of April, 1973 and that includes that day;
- (b) determine the proportion of the amount determined under clause *a* that the number of days of the fiscal year that follow the 12th day of April, 1973 bears to the total number of days of that fiscal year;
- (c) determine the tax that, but for the rules made applicable by this section, would be payable for the fiscal year that ends after the 12th day of April, 1973, and that includes that day under Part III or IV of the principal Act, as the case may be, as those parts stood prior to the 13th day of April, 1973, and on the assumption that those parts were applicable to that fiscal year;
- (d) determine that proportion of the amount determined under clause *c* that the number of days of the fiscal year prior to the 13th day of April, 1973 bears to the total number of days of that fiscal year;
- (e) determine the aggregate of the amounts determined under clauses *b* and *d* in respect of the corporation,

and the aggregate determined under clause *e* is the tax under Part III of the principal Act, as amended by this Act, that is payable by the corporation for its fiscal year that ends after the 12th day of April, 1973 and that includes that day.

Short title

21. This Act may be cited as *The Corporations Tax Amendment Act, 1973.*

An Act to amend
The Corporations
Tax Act, 1972

1st Reading

April 16th, 1973

2nd Reading

June 5th, 1973

3rd Reading

June 5th, 1973

THE HON. J. WHITE
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

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File: F-11662

Government
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Government Bill

-B 56

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to repeal The Security Transfer Tax Act

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

This Bill repeals *The Security Transfer Tax Act*.

BILL 95

1973

**An Act to repeal
The Security Transfer Tax Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Security Transfer Tax Act* and *The Security Transfer Tax Amendment Act, 1972* are repealed. R.S.O. 1970,
c. 427 as
amended,
repealed
2. This Act shall be deemed to have come into force on the Commencement 13th day of April, 1973.
3. This Act may be cited as *The Security Transfer Tax Repeal Act*, Short title 1973.

An Act to repeal
The Security Transfer Tax Act

1st Reading

April 16th, 1973

2nd Reading

3rd Reading

THE HON. J. WHITE
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

(Government Bill)

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BILL 95

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3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to repeal The Security Transfer Tax Act

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
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TORONTO

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BILL 95**1973**

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c. 427 as
amended,
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2. This Act shall be deemed to have come into force on the Commencement 13th day of April, 1973.
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BILL 95

An Act to repeal
The Security Transfer Tax Act

1st Reading

April 16th, 1973

2nd Reading

June 5th, 1973

3rd Reading

June 5th, 1973

THE HON. J. WHITE
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

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BILL 96

Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Income Tax Act

THE HON. A. GROSSMAN
Minister of Revenue



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

The Bill provides that income tax levied by Ontario on the capital gains of mutual fund trusts will be refunded when the capital gains are distributed to the unit holders or shareholders of the mutual fund. The refund is a percentage of the refund under the federal Income Tax Act, and is based on the percentage that the Ontario income tax rate is of the federal income tax rate. The Bill also amends the property tax credit legislation to ensure that municipal tax or rent paid by a trustee for a principal taxpayer or his spouse can be used in computing occupancy cost. Further amendments to the property tax credit legislation are made to exclude foreign diplomats from eligibility for a property tax credit, and to facilitate collection on behalf of Ontario by the Government of Canada.

SECTION 1. These provisions provide for the refund of Ontario income tax on the capital gains of mutual fund trusts. The refund is the same percentage of the refund under the Federal Act that the provincial tax rate is of the federal tax rate. The refund will occur when taxed capital gains are distributed by the trust, and will avoid the double taxation of these gains both in the hands of the trust and in the hands of its unit holders to whom the gains are distributed. Subsection 9 apportions the refund according to the income of the trust earned in Ontario, and subsection 10 allows a refund to be applied to any liability of the trust for Ontario income tax.

BILL 96

1973

**An Act to amend
The Income Tax Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of *The Income Tax Act*, being chapter 217 of the^{s.3.}_{amended} Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1971 (2nd Session), chapter 1, section 3, 1972, chapter 100, section 2 and 1972, chapter 146, section 1, is further amended by adding thereto the following subsections:

(8) Where an amount is to be refunded to a trust in respect of a taxation year pursuant to section 132 of the Federal Act, the Minister shall, subject to subsection 9, at such time and in such manner as is provided for in section 132 of the Federal Act, refund to the trust an amount (in this section referred to as its "capital gains refund" for the year) equal to that proportion of the amount of the refund for the year calculated under subsection 1 of section 132 of the Federal Act that,

(a) the percentage obtained by multiplying the percentage referred to in subsection 3 for the year times the percentage referred to in paragraph *a* of subsection 3 of section 122 of the Federal Act for the year

is of

(b) the percentage referred to in subparagraph *i* of paragraph *b* of subsection 4 of section 132 of the Federal Act for the year.

(9) For the purpose of computing the capital gains refund under subsection 8 for a trust in respect of a taxation year, where the trust had income earned in the taxation year outside Ontario, the refund shall be that proportion of the

capital gains refund for the year otherwise determined under subsection 8 that the trust's income earned in the taxation year in Ontario is of its income for the year.

Application
to other
liability

(10) Instead of making a refund that might otherwise be made under subsection 8, the Minister may, where the trust is liable or about to become liable to make any payment under this Act, apply to that other liability the amount that would otherwise be refunded, and he shall notify the trust of that action.

s. 6b(1)(d),
re-enacted

2.—(1) Clause *d* of subsection 1 of section 6b of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 146, section 2, is repealed and the following substituted therefor:

(*d*) “occupancy cost” means,

(i) municipal tax paid in the taxation year by a principal taxpayer, by his spouse, or by a trustee under a trust of which the principal taxpayer or his spouse is a beneficiary, in respect of a principal residence of the principal taxpayer, or

(ii) 20 per cent of the rent paid in the taxation year by a principal taxpayer, by his spouse, or by a trustee under a trust of which the principal taxpayer or his spouse is a beneficiary, for occupation of a principal residence of the principal taxpayer if such rent has been calculated to exclude all payments on account of meals or board and all payments of rent for occupation prior to the 1st day of January, 1972, but the foregoing provisions of this subclause do not apply to any principal taxpayer if he or his spouse or a trustee for either of them, as the case may be, while paying rent for the principal residence of the principal taxpayer, was also liable to pay municipal tax thereon by reason of any agreement with the lessor of the principal residence or for any other reason.

s. 6b(1)(e),
amended

(2) Clause *e* of subsection 1 of the said section 6b is amended by striking out “that is either owned by or rented to the principal taxpayer or his spouse, and” in the second and third lines.

s. 6b(1)(f),
re-enacted

(3) Clause *f* of subsection 1 of the said section 6b is repealed and the following substituted therefor:

SECTION 2. Subsections 1 and 2 provide for the inclusion in occupancy cost of municipal tax or rent paid by a trustee under a trust of which the principal taxpayer or his spouse is a beneficiary where the payment is made in respect of the principal taxpayer's principal residence.

Subsection 3 re-enacts the existing definition of principal taxpayer, and in addition, provides for the exclusion from eligibility for a property tax credit of foreign diplomats who are exempt from income tax.

Subsection 4 provides for the application of the property tax credit to meet any liabilities of an individual for income tax, Canada Pension Plan contributions and unemployment insurance premiums. This change is required under the terms of the collection agreement between Ontario and the Government of Canada for the administration of the property tax credit plan.

Subsection 5. Section 6b(7) is re-enacted to incorporate changes consequential on the amendments made by the first two subsections of section 2 of the Bill.

(f) "principal taxpayer" means an individual who, on the last day of the taxation year, occupies and inhabits a principal residence except when that individual, on the last day of the taxation year, occupies and inhabits a principal residence with his spouse, in which case "principal taxpayer" means that spouse who has the higher taxable income for the taxation year, but "principal taxpayer" does not include any individual who on the last day of the taxation year was,

- (i) under the age of sixteen years,
- (ii) under the age of twenty-one years and residing in the principal residence of a principal taxpayer who claims such individual as a dependant in that taxation year, or
- (iii) entitled to claim the exemption from tax granted in paragraph *a* or *b* of subsection 1 of section 149 of the Federal Act.

(4) Subsection 5 of the said section 6b is repealed and the <sup>s. 6b (5),
re-enacted</sup> following substituted therefor:

(5) The amount by which the deduction to which a principal taxpayer is entitled under subsection 2 exceeds his tax payable under this Act for the taxation year calculated without reference to this section may be applied by the Treasurer to pay any,

(a) tax, interest or penalty owing by the principal taxpayer for that or any prior taxation year under this Act, the income tax statute of any agreeing province, or the Federal Act; and

(b) contribution, penalty or interest owing by the principal taxpayer for that or any prior taxation year as a result of payments required from him under the *Canada Pension Plan Act*; and

(c) premium, interest or penalty owing by the principal taxpayer for that or any prior taxation year under the *Unemployment Insurance Act, 1971*,

R.S.C. 1970,
c. C-5

1970-71-72,
c. 48 (Can.)

and the part of the amount not so applied shall be paid to the principal taxpayer.

(5) Subsection 7 of the said section 6b is repealed and the <sup>s. 6b (7),
re-enacted</sup> following substituted therefor:

Joint
occupation
of principal
residence

(7) Where two or more principal taxpayers together occupy and inhabit the same principal residence in the taxation year, the occupancy cost thereof may be allocated to each such principal taxpayer according to his beneficial interest in the principal residence or according to the portion of the rent for the principal residence that was paid by or on behalf of each principal taxpayer in the taxation year, as the case may be.

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent and applies with respect to the 1972 and subsequent taxation years.

Short title

4. This Act may be cited as *The Income Tax Amendment Act, 1973.*

An Act to amend
The Income Tax Act

1st Reading

April 16th, 1973

2nd Reading

3rd Reading

THE HON. A. GROSSMAN
Minister of Revenue

(Government Bill)

CAZON

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BILL 96

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3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Income Tax Act

THE HON. A. GROSSMAN
Minister of Revenue



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

BILL 96

1973

**An Act to amend
The Income Tax Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of *The Income Tax Act*, being chapter 217 of the^{s.3, amended} Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1971 (2nd Session), chapter 1, section 3, 1972, chapter 100, section 2 and 1972, chapter 146, section 1, is further amended by adding thereto the following subsections:

(8) Where an amount is to be refunded to a trust in respect of a taxation year pursuant to section 132 of the Federal Act, the Minister shall, subject to subsection 9, at such time and in such manner as is provided for in section 132 of the Federal Act, refund to the trust an amount (in this section referred to as its "capital gains refund" for the year) equal to that proportion of the amount of the refund for the year calculated under subsection 1 of section 132 of the Federal Act that,

(a) the percentage obtained by multiplying the percentage referred to in subsection 3 for the year times the percentage referred to in paragraph *a* of subsection 3 of section 122 of the Federal Act for the year

is of

(b) the percentage referred to in subparagraph *i* of paragraph *b* of subsection 4 of section 132 of the Federal Act for the year.

(9) For the purpose of computing the capital gains refund under subsection 8 for a trust in respect of a taxation year, where the trust had income earned in the taxation year outside Ontario, the refund shall be that proportion of the

capital gains refund for the year otherwise determined under subsection 8 that the trust's income earned in the taxation year in Ontario is of its income for the year.

Application
to other
liability

(10) Instead of making a refund that might otherwise be made under subsection 8, the Minister may, where the trust is liable or about to become liable to make any payment under this Act, apply to that other liability the amount that would otherwise be refunded, and he shall notify the trust of that action.

s. 6b (1) (d),
re-enacted

2.—(1) Clause *d* of subsection 1 of section 6b of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 146, section 2, is repealed and the following substituted therefor:

(*d*) “occupancy cost” means,

(i) municipal tax paid in the taxation year by a principal taxpayer, by his spouse, or by a trustee under a trust of which the principal taxpayer or his spouse is a beneficiary, in respect of a principal residence of the principal taxpayer, or

(ii) 20 per cent of the rent paid in the taxation year by a principal taxpayer, by his spouse, or by a trustee under a trust of which the principal taxpayer or his spouse is a beneficiary, for occupation of a principal residence of the principal taxpayer if such rent has been calculated to exclude all payments on account of meals or board and all payments of rent for occupation prior to the 1st day of January, 1972, but the foregoing provisions of this subclause do not apply to any principal taxpayer if he or his spouse or a trustee for either of them, as the case may be, while paying rent for the principal residence of the principal taxpayer, was also liable to pay municipal tax thereon by reason of any agreement with the lessor of the principal residence or for any other reason.

s. 6b (1) (e),
amended

(2) Clause *e* of subsection 1 of the said section 6b is amended by striking out “that is either owned by or rented to the principal taxpayer or his spouse, and” in the second and third lines.

s. 6b (1) (f),
re-enacted

(3) Clause *f* of subsection 1 of the said section 6b is repealed and the following substituted therefor:

(f) "principal taxpayer" means an individual who, on the last day of the taxation year, occupies and inhabits a principal residence except when that individual, on the last day of the taxation year, occupies and inhabits a principal residence with his spouse, in which case "principal taxpayer" means that spouse who has the higher taxable income for the taxation year, but "principal taxpayer" does not include any individual who on the last day of the taxation year was,

- (i) under the age of sixteen years,
- (ii) under the age of twenty-one years and residing in the principal residence of a principal taxpayer who claims such individual as a dependant in that taxation year, or
- (iii) entitled to claim the exemption from tax granted in paragraph *a* or *b* of subsection 1 of section 149 of the Federal Act.

(4) Subsection 5 of the said section 6b is repealed and the <sup>s. 6b (5),
re-enacted</sup> following substituted therefor:

(5) The amount by which the deduction to which a principal taxpayer is entitled under subsection 2 exceeds his tax payable under this Act for the taxation year calculated without reference to this section may be applied by the Treasurer to pay any,

(a) tax, interest or penalty owing by the principal taxpayer for that or any prior taxation year under this Act, the income tax statute of any agreeing province, or the Federal Act; and

(b) contribution, penalty or interest owing by the principal taxpayer for that or any prior taxation year as a result of payments required from him under the *Canada Pension Plan Act*; and

(c) premium, interest or penalty owing by the principal taxpayer for that or any prior taxation year under the *Unemployment Insurance Act, 1971*,

R.S.C. 1970,
c. C-5

1970-71-72,
c. 48 (Can.)

and the part of the amount not so applied shall be paid to the principal taxpayer.

(5) Subsection 7 of the said section 6b is repealed and the <sup>s. 6b (7),
re-enacted</sup> following substituted therefor:

Joint
occupation
of principal
residence

(7) Where two or more principal taxpayers together occupy and inhabit the same principal residence in the taxation year, the occupancy cost thereof may be allocated to each such principal taxpayer according to his beneficial interest in the principal residence or according to the portion of the rent for the principal residence that was paid by or on behalf of each principal taxpayer in the taxation year, as the case may be.

Commencement

3. This Act comes into force on the day it receives Royal Assent and applies with respect to the 1972 and subsequent taxation years.

Short title

4. This Act may be cited as *The Income Tax Amendment Act, 1973.*

BILL 96

An Act to amend
The Income Tax Act

1st Reading

April 16th, 1973

2nd Reading

April 26th, 1973

3rd Reading

April 27th, 1973

THE HON. A. GROSSMAN
Minister of Revenue

CA20N

XB

-B 56

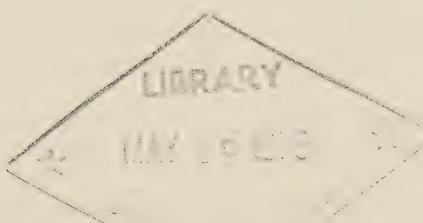
BILL 97

Private Member's Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Highway Traffic Act

MR. PATERSON



TORONTO
PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

The Bill exempts fire department vehicles, police vehicles and ambulances from having to,

- (a) observe speed limits;
- (b) stop at red signal-lights; and
- (c) observe no parking, standing or stopping restrictions under section 116 of the Act.

An Act to amend The Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 9 of section 82 of *The Highway Traffic Act*, being ^{s. 82(9),} chapter 202 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

(9) The speed limits prescribed under this Act or the ^{fire} ~~department~~ ^{vehicles,} ^{police} ~~vehicles and~~ ^{ambulances} regulations or any by-law passed under this Act do not apply to a motor vehicle of a municipal fire department while proceeding to a fire or answering a fire alarm call, to a motor vehicle operated by a person in the lawful performance of his duties as a police officer or to a motor vehicle operated by a person in the performance of his duties as an ambulance driver.

2. Subsection 5 of section 96 of the said Act is repealed and the ^{s. 96(5),} following substituted therefor:

(5) Except for, red

- (a) a motor vehicle of a municipal fire department while proceeding to a fire or answering a fire alarm call;
- (b) a motor vehicle operated by a person in the lawful performance of his duties as a police officer; or
- (c) a motor vehicle operated by a person in the performance of his duties as an ambulance driver,

when a red signal-light is shown at an intersection, every driver or operator of a vehicle or car of an electric railway that is approaching the intersection and facing such light shall bring his vehicle or car to a full stop at a clearly marked stop line or, if none, then immediately before entering the nearest crosswalk or, if none, then immediately before enter-

ing the intersection, and shall not proceed until a green light is shown, provided that the driver or operator may turn to the right after bringing the vehicle or car to a full stop.

s. 116(1),
re-enacted

3. Subsection 1 of section 116 of the said Act is repealed and the following substituted therefor:

Parking
on roadway

(1) Except for,

(a) a motor vehicle of a municipal fire department while proceeding to a fire or answering a fire alarm call;

(b) a motor vehicle operated by a person in the lawful performance of his duties as a police officer; or

(c) a motor vehicle operated by a person in the performance of his duties as an ambulance driver,

no person shall park, stand or stop a vehicle on a roadway,

(d) when it is practicable to park, stand or stop the vehicle off the roadway; or

(e) when it is not practicable to park, stand or stop the vehicle off the roadway unless a clear view of the vehicle and of the roadway for at least 400 feet beyond the vehicle may be obtained from a distance of at least 400 feet from the vehicle in each direction upon the highway.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Highway Traffic Amendment Act, 1973*.

BILL 97

An Act to amend
The Highway Traffic Act

1st Reading

April 17th, 1973

2nd Reading

3rd Reading

MR. PATERSON

(Private Member's Bill)

CAZON

KB

-B 56

Legislative Act

BILL 98

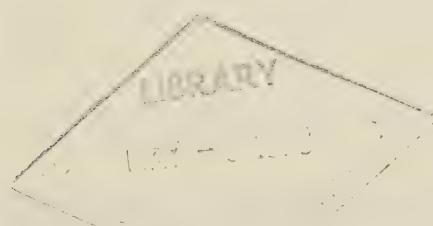
Government Bill

Government
Publication

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Retail Sales Tax Act

THE HON. J. WHITE
Treasurer of Ontario and Minister of
Economics and Intergovernmental Affairs



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

GENERAL. The Bill raises to 7 per cent the rate of tax on tangible personal property and taxable services, and brings in to tax electricity and energy-producing fuels such as coal, coke, fuel oil, natural and manufactured gas. The bill also exempts from tax seeds, bulbs, flowers, shrubs, trees and plants. The exemption for the 10 per cent tax on prepared meals is raised from \$2.50 to \$4.00, and a new exemption is introduced where the average price of prepared meals sold to one purchaser does not exceed \$4.00. An exemption will also be proposed for birds, fish and other animals that are sold as household pets. Other changes are proposed to facilitate the administration of the Act.

SECTION 1. Subsections 1 and 3 make it clear that only the entry fee to a place of amusement is included in the price of admission taxed under section 2 (4) of the Act.

Subsection 2 includes a partnership as part of the definition of person, and clarifies the definition of municipality included as a person.

Subsection 4 makes it clear that a purchaser of admission for another person to a place of amusement is liable for the tax; the present wording of the Act taxes the person for whom the admission is purchased. The changes made by subsections 1, 3 and 4 reflect the administrative practice followed since admissions to places of amusement were first taxed under *The Retail Sales Tax Act*.

BILL 98

1973

An Act to amend The Retail Sales Tax Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Paragraph 1 of section 1 of *The Retail Sales Tax Act*,^{s. 1, par. 1, re-enacted} being chapter 415 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:
 1. “admission” includes entry to a place of amusement where any charge is made for such entry.
- (2) Paragraph 6 of the said section 1, as amended by the^{s. 1, par. 6, re-enacted} Statutes of Ontario, 1972, chapter 1, section 104, is repealed and the following substituted therefor:
 6. “person”, in addition to its meaning in *The Interpretation Act*, includes Her Majesty in right of Ontario, a partnership, a municipal corporation, including a district, metro-^{R.S.O. 1970, co. 225, 118} politan or regional municipal corporation or a local board thereof as defined in *The Municipal Affairs Act*, and any board, commission or authority established under any Act of the Legislature.
- (3) Paragraph 8 of the said section 1 is repealed and the^{s. 1, par. 8, re-enacted} following substituted therefor:
 8. “price of admission” means the charge made to a purchaser for entry into a place of amusement.
- (4) Paragraph 9 of the said section 1 is amended by striking^{s. 1, par. 9, amended} out “who purchases admission for himself to a place of amusement, and a person for whom admission to a place of amusement is purchased by another person” in the ninth, tenth, eleventh and twelfth lines and by inserting in lieu thereof “who, at his expense, purchases admission to a place of amusement for himself or for another person”.

s. 1, par. 15,
amended

(5) Paragraph 15 of the said section 1 is amended by striking out "and includes natural gas and manufactured gas" in the third and fourth lines and inserting in lieu thereof "and includes natural gas, manufactured gas, electricity and all other forms of energy that are sold for consumption in Ontario".

s. 2(1),
amended

2.—(1) Subsection 1 of section 2 of the said Act is amended by striking out "5" in the fourth line and inserting in lieu thereof "7".

s. 2(2), par. 2,
amended

(2) Paragraph 2 of subsection 2 of the said section 2 is amended by striking out "\$2.50" and inserting in lieu thereof "\$4.00".

s. 2(3),
amended

(3) Subsection 3 of the said section 2 is amended by striking out "5" in the third line and inserting in lieu thereof "7".

s. 4(1),
amended

3. Subsection 1 of section 4 of the said Act is amended by adding at the end thereof "or that such person has entered into an arrangement satisfactory to the Minister for the payment of such taxes or for securing their payment".

s. 5(1),
par. 2,
re-enacted

4.—(1) Paragraph 2 of subsection 1 of section 5 of the said Act is repealed and the following substituted therefor:

2. any prepared meal the price of which neither exceeds \$4.00 nor is included in the sale price of two or more prepared meals that are sold to one purchaser for a total sale price that exceeds \$4.00;

2a. all prepared meals the prices of which are included in the total sale price of two or more prepared meals that are sold to one purchaser and that are consumed by two or more people if the average price of all the prepared meals the prices of which are included in such total sale price is not more than \$4.00 and if that average price is determined by dividing such total price by the number of people to whom was served a prepared meal the price of which was included in such total sale price and if the bill to the purchaser that contains such total sale price clearly shows the number of people to whom were served the prepared meals the prices of which were included in such total sale price.

s. 5(1),
pars. 3-6,
re-enacted;
pars. 7-11,
repealed

(2) Paragraphs 3, 4, 5, 6, 7, 8, 9, 10 and 11 of subsection 1 of the said section 5 are repealed and the following substituted therefor:

R.S.O. 1970,
cc. 190, 282

3. tangible personal property taxed under *The Gasoline Tax Act* or *The Motor Vehicle Fuel Tax Act*;

Subsection 5 expands the definition of tangible personal property to include electricity and other forms of energy.

SECTION 2.—Subsections 1 and 3 increase from 5 per cent to 7 per cent the rate of tax payable on the consumption of tangible personal property and taxable services.

Subsection 2 raises the exemption for prepared meals from \$2.50 to \$4.00.

SECTION 3 allows the Minister to give a certificate in a bulk sale transaction where satisfactory arrangements have been made for the payment of taxes due from the vendor. Previously, the certificate could only be given if the tax was paid, and this provision was found to delay the closing of some sales in bulk.

SECTION 4.—Subsection 1 exempts from tax any one prepared meal that is bought for \$4.00 or less. Where more than one prepared meal is charged for on the same bill and the total price exceeds \$4.00, the meals are exempt from tax where the average cost of the meals included in the total price is \$4.00 or less and the number of people for whom meals were bought is shown on the bill.

Subsection 2 repeals exemptions for fuel oil, coal, coke, natural and manufactured gas, and electricity, which now become taxable under the Act. New paragraphs are added to exempt fuel used in farming or manufacturing, as defined by the Minister, and to exempt electricity consumed to provide public transportation.

Subsection 3 repeals exemptions that will now be comprised in the broader exemption to be enacted as paragraph 13 of section 5 (1) of the Act.

Subsection 4 retains the exemption for natural water, ice and steam unless the steam is sold as a source of heat or energy.

Subsection 5 adds soil to the items already exempt under this paragraph.

Subsection 6 repeals the exemption for draft beer purchased for resale since such purchases are already exempt under other provisions of the Act. It enacts an exemption for liquor, beer or wine sold under a special occasion permit.

Subsection 7 provides for exemption of property in the construction of capital works by municipalities and local boards of municipalities where the cost of the property is borne by the municipality or local board.

4. wood as defined by the Minister;

5. fuel, as defined by the Minister, and electricity that are, in the opinion of the Minister, consumed directly in an activity or process defined by the Minister to be farming or the process of manufacturing or producing tangible personal property for sale or use;

6. electricity consumed in the operation of any vehicle that is operated to provide public transportation, as defined by the Minister.

(3) Paragraphs 13, 20, 21 and 22 of subsection 1 of the said section 5 are repealed and the following substituted therefor: s.5(1),
par. 13,
re-enacted,
pars. 20-22,
repealed

13. trees, shrubs, bushes, seeds and seedlings, cut flowers and plants, bulbs from which plants or flowers may be grown, growing plants and flowers and the containers in which they are growing, but not any artificial plant, flower or tree.

(4) Paragraph 25 of subsection 1 of the said section 5 is repealed and the following substituted therefor: s.5(1),
par. 25,
re-enacted

25. natural water, including ice and steam, unless the steam is sold as a source of heat or is sold as a source of energy to operate a mechanism of any kind.

(5) Paragraph 26 of subsection 1 of the said section 5 is repealed and the following substituted therefor: s.5(1),
par. 26,
re-enacted

26. soil, clay, sand, gravel and unfinished stone.

(6) Paragraph 48 of subsection 1 of the said section 5 is repealed and the following substituted therefor: s.5(1),
par. 48,
re-enacted

48. liquor, beer or wine sold under the authority of a special occasion permit issued under *The Liquor Licence Act* and regulations made thereunder. R.S.O. 1970,
c. 250

(7) Paragraph 60 of subsection 1 of the said section 5 is repealed and the following substituted therefor: s.5(1),
par. 60,
re-enacted

60. tangible personal property that enters directly into and becomes part of the construction of capital works that, upon completion, are owned by a municipality or by a local board thereof, if the cost of such tangible personal property is shown to have been directly and substantially borne by the municipality or local board thereof that owns the capital works into the construction of which such tangible personal property entered.

s. 5 (1),
par. 63,
re-enacted

(8) Paragraph 63 of subsection 1 of the said section 5 is repealed and the following substituted therefor:

63. animals, including birds, fish and reptiles, sold for use as household pets.

s. 8,
re-enacted

5. Section 8 of the said Act is repealed and the following substituted therefor:

Vendor to be
collector

8. Every vendor is an agent of the Minister and as such shall levy and collect the taxes imposed by this Act upon the purchaser or consumer.

Other
collectors
may be
authorized

8a.—(1) The Minister may in writing authorize any person who is not a vendor or any class of persons who are not vendors to collect, as agent of the Minister, the tax imposed by this Act, and an authorization under this subsection may limit the time during which the authority conferred is exercisable, and may limit the class or type of purchasers or consumers from whom tax may be collected.

Collector
to be
trustee

(2) Every person who collects tax by virtue of an authorization made under subsection 1 shall be deemed to hold such tax in trust for Her Majesty in right of Ontario, and is responsible for the payment over of such tax in the manner and time provided under this Act and the regulations for the payment over of tax collected by a vendor.

Authorization
may be
revoked

(3) An authorization made under subsection 1 may be revoked with respect to any person to whom the authorization extends, but before any such revocation is made, the person affected shall be afforded an opportunity to appear before the Minister to show cause why the authorization should not be revoked.

Member of
Assembly

(4) No person acting under subsection 1 or under section 8 shall thus be made ineligible as a member of the Assembly.

s. 27 (1),
amended

6. Subsection 1 of section 27 of the said Act is amended by striking out “Every vendor who fails to deliver a return or to remit the tax collectable or payable as and when required shall pay a penalty of” in the first, second and third lines and inserting in lieu thereof “Every vendor who fails to deliver a return as required by this Act and the regulations, or who fails to remit with his return the amount of taxes collectable or payable by him as shown therein, shall pay a penalty of”.

s. 35,
re-enacted

7. Section 35 of the said Act is repealed and the following substituted therefor:

Subsection 8. The repealed paragraph exempted cut natural evergreen Christmas trees, and is now covered in the broader exemption enacted by subsection 3 of this section of the Bill.

The new paragraph 63 that is enacted will exempt from tax the sale of household pets.

SECTION 5. This section permits the Minister to allow people who are not vendors under the Act to collect tax, and is intended to permit the collection of tax by people such as registrars of deeds and the issuers of motor vehicle licences.

SECTION 6. This provision amends section 27 (1) to impose a penalty only where returns are filed late or where the tax shown in the return is not paid. The present section of the Act penalizes every failure to pay or collect the tax, and such failure is already penalized by other provisions of the Act.

SECTION 7. This provision makes it clear that the tax to be paid by a purchaser must always be clearly and separately stated by the vendor so that a purchaser will know what part of the sale price is attributable to retail sales tax.

SECTION 8. The new clauses authorize the payment of interest by the Crown for the use of money that is subsequently rebated, and will authorize repayment to a vendor when a purchaser on whose behalf a vendor has paid tax has defaulted in repaying the vendor.

35. No vendor shall advertise or post or otherwise quote a price that includes the tax imposed by this Act unless he specifies separately the amount of the tax payable under this Act, and no vendor shall hold out or state to the public or to any purchaser, directly or indirectly, that the tax or any part thereof imposed by this Act will be assumed or absorbed by such vendor or that it will not be considered as an element in the price to the purchaser or, if added, that it or any part thereof will be refunded.

8. Subsection 2 of section 42 of the said Act is amended by <sup>s. 42(2),
amended</sup> adding thereto the following clauses:

- (i) providing for the payment of interest to persons to whom any rebate of tax is made under clause *e* or *g* and prescribing the rate thereof;
- (j) providing for the payment to vendors of all or any part of money paid as tax where such money was paid by a vendor on behalf of a purchaser who has defaulted in paying to the vendor the tax payable, and prescribing the conditions on which any payment authorized by this clause may be made.

9.—(1) This Act, except subsection 5 of section 1, and sections ^{Commencement} 2 and 4, comes into force on the day it receives Royal Assent.

(2) Section 2 and subsections 1, 3, 5, 6 and 8 of section 4 ^{Idem} shall be deemed to have come into force on the 1st day of May, 1973.

(3) Subsection 5 of section 1 and subsections 2, 4 and 7 of ^{Idem} section 4 come into force on the 1st day of July, 1973.

10. This Act may be cited as *The Retail Sales Tax Amendment* ^{Short title} *Act, 1973.*

BILL 98

An Act to amend
The Retail Sales Tax Act

1st Reading

April 18th, 1973

2nd Reading

3rd Reading

THE HON. J. WHITE
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

(Government Bill)

CA20N

BILL 98

XB

-B 56

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Retail Sales Tax Act

THE HON. J. WHITE
Treasurer of Ontario and Minister of
Economics and Intergovernmental Affairs

TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

An Act to amend The Retail Sales Tax Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Paragraph 1 of section 1 of *The Retail Sales Tax Act*,^{s. 1, par. 1, re-enacted} being chapter 415 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:
 1. “admission” includes entry to a place of amusement where any charge is made for such entry.
- (2) Paragraph 6 of the said section 1, as amended by the^{s. 1, par. 6, re-enacted} Statutes of Ontario, 1972, chapter 1, section 104, is repealed and the following substituted therefor:
 6. “person”, in addition to its meaning in *The Interpretation Act*, includes Her Majesty in right of Ontario, a partnership, a municipal corporation, including a district, metro-^{R.S.O. 1970, cc. 225, 118} politan or regional municipal corporation or a local board thereof as defined in *The Municipal Affairs Act*, and any board, commission or authority established under any Act of the Legislature.
- (3) Paragraph 8 of the said section 1 is repealed and the^{s. 1, par. 8, re-enacted} following substituted therefor:
 8. “price of admission” means the charge made to a purchaser for entry into a place of amusement.
- (4) Paragraph 9 of the said section 1 is amended by striking^{s. 1, par. 9, amended} out “who purchases admission for himself to a place of amusement, and a person for whom admission to a place of amusement is purchased by another person” in the ninth, tenth, eleventh and twelfth lines and by inserting in lieu thereof “who, at his expense, purchases admission to a place of amusement for himself or for another person”.

s. 2 (1),
amended

2.—(1) Subsection 1 of section 2 of the said Act is amended by striking out “5” in the fourth line and inserting in lieu thereof “7”.

s. 2 (2), par. 2,
amended

(2) Paragraph 2 of subsection 2 of the said section 2 is amended by striking out “\$2.50” and inserting in lieu thereof “\$4.00”.

s. 2 (3),
amended

(3) Subsection 3 of the said section 2 is amended by striking out “5” in the third line and inserting in lieu thereof “7”.

s. 4 (1),
amended

3. Subsection 1 of section 4 of the said Act is amended by adding at the end thereof “or that such person has entered into an arrangement satisfactory to the Minister for the payment of such taxes or for securing their payment”.

s. 5 (1),
par. 2,
re-enacted

4.—(1) Paragraph 2 of subsection 1 of section 5 of the said Act is repealed and the following substituted therefor:

2. any prepared meal the price of which neither exceeds \$4.00 nor is included in the sale price of two or more prepared meals that are sold to one purchaser for a total sale price that exceeds \$4.00;

2a. all prepared meals the prices of which are included in the total sale price of two or more prepared meals that are sold to one purchaser and that are consumed by two or more people if the average price of all the prepared meals the prices of which are included in such total sale price is not more than \$4.00 and if that average price is determined by dividing such total price by the number of people to whom was served a prepared meal the price of which was included in such total sale price and if the bill to the purchaser that contains such total sale price clearly shows the number of people to whom were served the prepared meals the prices of which were included in such total sale price.

s. 5 (1),
par. 13,
re-enacted,
pars. 20-22,
repealed

(2) Paragraphs 13, 20, 21 and 22 of subsection 1 of the said section 5 are repealed and the following substituted therefor:

13. trees, shrubs, bushes, seeds and seedlings, cut flowers and plants, bulbs from which plants or flowers may be grown, growing plants and flowers and the containers in which they are growing, but not any artificial plant, flower or tree.

s. 5 (1),
par. 26,
re-enacted

(3) Paragraph 26 of subsection 1 of the said section 5 is repealed and the following substituted therefor:

26. soil, clay, sand, gravel and unfinished stone.

s. 5 (1),
par. 30,
amended

(4) Paragraph 30 of subsection 1 of the said section 5 is amended by adding at the end thereof “and any prosthetic appliance or equipment as defined by the Minister”.

(5) Paragraph 48 of subsection 1 of the said section 5 is <sup>s. 5(1),
par. 48,</sup> re-enacted repealed and the following substituted therefor:

48. liquor, beer or wine sold under the authority of a special <sup>R.S.O. 1970,
c. 250</sup> occasion permit issued under *The Liquor Licence Act* and regulations made thereunder.

(6) Paragraph 60 of subsection 1 of the said section 5 is <sup>s. 5(1),
par. 60,</sup> re-enacted repealed and the following substituted therefor:

60. tangible personal property that enters directly into and becomes part of the construction of capital works that, upon completion, are owned by a municipality or by a local board thereof, if the cost of such tangible personal property is shown to have been directly and substantially borne by the municipality or local board thereof that owns the capital works into the construction of which such tangible personal property entered.

(7) Paragraph 63 of subsection 1 of the said section 5 is <sup>s. 5(1),
par. 63,</sup> re-enacted repealed and the following substituted therefor:

63. animals, including birds, fish and reptiles, sold for use as household pets.

5. Section 8 of the said Act is repealed and the following sub-<sup>s. 8,
re-enacted</sup> stituted therefor:

8. Every vendor is an agent of the Minister and as such <sup>Vendor to be
collector</sup> shall levy and collect the taxes imposed by this Act upon the purchaser or consumer.

8a.—(1) The Minister may in writing authorize any person <sup>Other
collectors
may be
authorized</sup> who is not a vendor or any class of persons who are not vendors to collect, as agent of the Minister, the tax imposed by this Act, and an authorization under this subsection may limit the time during which the authority conferred is exercisable, and may limit the class or type of purchasers or consumers from whom tax may be collected.

(2) Every person who collects tax by virtue of an authorization made under subsection 1 shall be deemed to hold such tax in trust for Her Majesty in right of Ontario, and is responsible for the payment over of such tax in the manner and time provided under this Act and the regulations for the payment over of tax collected by a vendor.

(3) An authorization made under subsection 1 may be revoked <sup>Authorization
may be
revoked</sup> with respect to any person to whom the authorization extends, but before any such revocation is made, the person

affected shall be afforded an opportunity to appear before the Minister to show cause why the authorization should not be revoked.

Member of
Assembly

(4) No person acting under subsection 1 or under section 8 shall thus be made ineligible as a member of the Assembly.

s. 27 (1),
amended

6. Subsection 1 of section 27 of the said Act is amended by striking out "Every vendor who fails to deliver a return or to remit the tax collectable or payable as and when required shall pay a penalty of" in the first, second and third lines and inserting in lieu thereof "Every vendor who fails to deliver a return as required by this Act and the regulations, or who fails to remit with his return the amount of taxes collectable or payable by him as shown therein, shall pay a penalty of".

s. 35,
re-enacted

7. Section 35 of the said Act is repealed and the following substituted therefor:

Tax not to
be absorbed
by vendors

35. No vendor shall advertise or post or otherwise quote a price that includes the tax imposed by this Act unless he specifies separately the amount of the tax payable under this Act, and no vendor shall hold out or state to the public or to any purchaser, directly or indirectly, that the tax or any part thereof imposed by this Act will be assumed or absorbed by such vendor or that it will not be considered as an element in the price to the purchaser or, if added, that it or any part thereof will be refunded.

s. 42 (2),
amended

8. Subsection 2 of section 42 of the said Act is amended by adding thereto the following clauses:

(i) providing for the payment of interest to persons to whom any rebate of tax is made under clause *e* or *g* and prescribing the rate thereof;

(j) providing for the payment to vendors of all or any part of money paid as tax where such money was paid by a vendor on behalf of a purchaser who has defaulted in paying to the vendor the tax payable, and prescribing the conditions on which any payment authorized by this clause may be made.

Commencement

9.—(1) This Act, except section 2, and subsections 1, 2, 5 and 7 of section 4, comes into force on the day it receives Royal Assent.

Idem

(2) Section 2 and subsections 1, 2, 5 and 7 of section 4 shall

be deemed to have come into force on the 1st day of May, 1973.

10. This Act may be cited as *The Retail Sales Tax Amendment* Short title
Act, 1973. /

BILL 98

An Act to amend
The Retail Sales Tax Act

1st Reading

April 18th, 1973

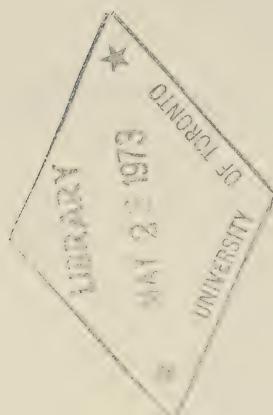
2nd Reading

May 3rd, 1973

3rd Reading

May 14th, 1973

THE HON. J. WHITE
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs



CA20N

XB

-B 56

BILL 99

Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Ontario Place Corporation Act, 1972

THE HON. C. BENNETT
Minister of Industry and Tourism



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The amendment removes the authority of the Corporation to employ and govern the terms of employment of its own staff and provides for the appointment of staff under *The Public Service Act*.

BILL 99

1973

**An Act to amend
The Ontario Place Corporation Act, 1972**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 7 of *The Ontario Place Corporation Act, 1972*, being chapter 33, is repealed and the following substituted therefor:
 - (1) Such officers, clerks and servants may be appointed Officers and employees
under *The Public Service Act* as are considered necessary
for the proper conduct of the business of the Corporation. R.S.O. 1970,
c. 386
2. This Act comes into force on the day it receives Royal Assent. Commencement
3. This Act may be cited as *The Ontario Place Corporation Amendment Act, 1973*. Short title

An Act to amend
The Ontario Place Corporation
Act, 1972

1st Reading

April 26th, 1973

2nd Reading

3rd Reading

THE HON. C. BENNETT
Minister of Industry and Tourism

(*Government Bill*)

3RD SESSION, 29TH LEGISLATURE, ONTARIO

XB

-B 56

BILL 99

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

An Act to amend The Ontario Place Corporation Act, 1972

THE HON. C. BENNETT
Minister of Industry and Tourism

TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

BILL 99

1973

**An Act to amend
The Ontario Place Corporation Act, 1972**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 7 of *The Ontario Place Corporation Act, 1972*, being chapter 33, is repealed and the following substituted therefor:
 - (1) Such officers, clerks and servants may be appointed <sup>s.7(1),
re-enacted</sup> Officers and
employees
under *The Public Service Act* as are considered necessary
for the proper conduct of the business of the Corporation. <sup>R.S.O. 1970,
c. 386</sup>
2. This Act comes into force on the day it receives Royal Assent. ^{Commencement}
3. This Act may be cited as *The Ontario Place Corporation Amendment Act, 1973*. ^{Short title}

BILL 99

An Act to amend
The Ontario Place Corporation
Act, 1972

1st Reading

April 26th, 1973

2nd Reading

May 29th, 1973

3rd Reading

May 29th, 1973

THE HON. C. BENNETT
Minister of Industry and Tourism

CA20N

XB

-B 56

BILL 100

Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

**An Act to provide assistance for the Rehabilitation and
Protection of Property on or adjacent to shorelines**

THE HON. J. W. SNOW
Minister of Government Services



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

This Bill provides a procedure for the municipalities to make loans to owners of property for the rehabilitation and protection of shoreline property and for the repair of damage to buildings and structures caused by high water levels or the impact of ice on lakes, rivers or other bodies of water or as a result of damage to or erosion of the shores and provides for the purchase of the municipal debentures by the Province.

BILL 100

1973

**An Act to provide assistance for the
Rehabilitation and Protection of Property
on or adjacent to shorelines**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tion

- (a) “municipality” means a city, town, village or township;
- (b) “prescribed” means prescribed by the regulations made under this Act;
- (c) “works” means retaining walls, dykes, breakwaters, groynes, cribs and other structures designed for the rehabilitation or protection, or both, of property on the shores of lakes, rivers or other bodies of water that have been damaged or eroded by the elements, and includes repairs and improvements to existing works.

PART I

REHABILITATION AND PROTECTION LOANS

2.—(1) Subject to sections 64 and 65 of *The Ontario Municipal Board Act*, the council of a municipality may, without the assent of the electors, pass by-laws in the prescribed form authorizing the borrowing of money from the Treasurer of Ontario for the purpose of lending the money for the construction of works and the issuance of debentures in the prescribed form by the municipality or by a district, metropolitan or regional municipality on its behalf.

Borrowing
powers of
municipali-
tiesR.S.O. 1970,
c. 323

(2) Forthwith after the passing of a by-law under sub-^{Registration}_{of by-law} section 1, the clerk of the municipality shall register a

duplicate original or a copy of it, certified under his hand and the seal of the municipal corporation, in the land registry office for the registry division in which the municipality is situate or, if the municipality is partly within two or more registry divisions, in each of them.

When by-law
to be valid,
where no
application
to quash

(3) Every by-law registered in accordance with subsection 2, unless an application or action to quash the by-law is made or brought in a court of competent jurisdiction before the by-law is registered, is valid and binding according to its terms.

Offer to
sell
debentures
to the
Province

(4) Where no application or action to quash the by-law has been made or brought before the by-law is registered or, where an application or action has been made or brought and is dismissed, a certified copy of the by-law shall be deposited with the Treasurer of Ontario together with an affidavit of the clerk of the municipality in the prescribed form stating that no application or action to quash the by-law has been made or brought or, if an application or action has been made or brought, that it has been dismissed, and the debentures authorized by the by-law may thereafter be offered for sale to the Province of Ontario.

Application
by owner for
loan

3.—(1) An owner of land who is assessed as the owner thereof in the municipality or, where at any time after the return of the assessment roll and before the return of the assessment roll in the following year, the land is conveyed to some other person, such other person may make application to the council of the municipality in the prescribed form to borrow money for the purpose of constructing works on such land.

Statutory
declaration
of applicant

(2) The application shall not be acted upon unless it is accompanied by a declaration of the applicant stating that he is the actual owner of the land mentioned in the application, and that the land is free from encumbrance, or if the land or any part of it is mortgaged or otherwise encumbered, stating the name and address of the mortgagee or encumbrancer, and where it has been assigned, the name of the assignee of the mortgage or encumbrance with his address.

Notice to
encum-
brancer

(3) Where it appears that there is a mortgage or encumbrance upon the land or any part of it, the application shall not be disposed of until two weeks after the mortgagee, encumbrancer or assignee has been notified of the application by registered mail, sent to him by the clerk at his last known address.

(4) If a mortgagee, encumbrancer or assignee notifies the clerk in writing within the time specified in subsection 3 that he objects to the granting of the application, the council shall afford him an opportunity to make representation to council.

(5) No person by reason of having borrowed money under this Act is disqualified from being elected as a member of council or from sitting or voting therein, but no member of council shall vote on any question affecting an application for a loan in which he has an interest.

(6) The approval of any application under subsection 1 is in the discretion of the council whose decision is final and written notice of the decision shall forthwith be given to the applicant.

(7) No loan for the construction of works shall exceed 90 per cent of the total cost of the works or a maximum amount prescribed by the regulations, whichever is the lesser.

4. The council of a municipality borrowing money under this Act shall employ a competent inspector to assess the need for the construction of works, the type of works proposed and the compatibility of such works with adjacent property and to inspect the works and he shall file with the clerk an inspection and completion certificate in the prescribed form, and the cost of such services by the inspector shall be charged against the works inspected and shall be paid out of the money borrowed and deducted from the amount loaned under section 7.

5.—(1) After the receipt of the inspection and completion certificate, the council may issue a debenture payable to the Treasurer of Ontario with respect to the funds to be loaned by the municipality, and, in the case of a municipality within a district, metropolitan or regional municipality, the council may request the district, metropolitan or regional municipality to issue the debenture on its behalf.

(2) A municipality, or a district, metropolitan or regional municipality on its behalf, shall not issue more than one debenture in any month, the amount of which may combine amounts to be loaned by the municipality under this Act.

(3) The amount of each debenture issued to the Treasurer of Ontario shall be in the sum of \$100 or any multiple thereof and shall not exceed the amount of the loan or loans with respect to which the debenture is issued.

Interest rates on debentures	(4) The interest rates applicable to debentures, both before and after maturity, issued under this Act shall be determined from time to time by the Lieutenant Governor in Council.
Term of debentures	(5) The term of the debentures shall be for a period of twenty years and shall be repayable by equal annual instalments of principal and interest each due on the anniversary date of the debenture.
Prepayment	(6) The debentures shall provide that the municipality or district, metropolitan or regional municipality, as the case may be, shall pay forthwith to the Treasurer of Ontario any amount or amounts repaid under section 11.
Date of debentures	(7) Each debenture shall be dated the first day of the month following the month in which it is delivered to the Treasurer of Ontario.
Offer to sell	(8) An application requesting the Treasurer of Ontario to purchase a debenture shall be by way of an offer to sell in the prescribed form and shall accompany the debenture delivered to the Treasurer of Ontario.
Purchase	6. —(1) The Treasurer of Ontario may purchase, acquire and hold debentures issued under the authority of this Act and pay therefor out of the Consolidated Revenue Fund.
Limitation on amount of debentures	(2) The aggregate principal amount of the outstanding debentures purchased by the Treasurer of Ontario under this Act shall not exceed \$50,000,000 at any time.
Terms on which council shall lend money	7. The council shall lend the money so borrowed under the authority of section 2 in sums of \$100 or multiples thereof for a term of twenty years at a rate of interest equal to that set out in the debenture by which the funds are borrowed.
Collection of special rate	8. The council shall impose by by-law in the prescribed form and, subject to section 11, shall levy and collect for the term of twenty years, over and above all other rates, upon the land in respect of which the money is lent, a special equal annual rate sufficient to discharge in twenty years the principal and interest of the money lent, and the special rates imposed shall be deemed to be taxes, and the provisions of <i>The Municipal Act</i> as to the collection and recovery of taxes, and the proceedings that may be taken in default thereof, apply.

9.—(1) The annual payment on any debenture for principal and interest shall be remitted by the treasurer of the municipality or district, metropolitan or regional municipality to the Treasurer of Ontario on or before the due date.

(2) In the event of default in any such payment, interest thereon shall accrue during the time of such default and the rate of such interest shall be determined from time to time by the Lieutenant Governor in Council.

10.—(1) Where a part of a parcel of land in respect of which money has been lent under this Act is sold, the council of the municipality may apportion the special annual rate between the part sold and the part remaining.

(2) The clerk of the municipality shall give the owners notice of the parts into which the land is divided at least ten days notice in writing by registered mail of the time and place the council will make the apportionment.

(3) The council in making the apportionment shall have regard to the effect of the works on each part into which the parcel of land is divided and such other matters as it considers appropriate, and the decision of the council with respect to the apportionment is final.

(4) The order of apportionment shall be filed with the clerk and thereafter the special annual rate shall be levied and collected in accordance with the apportionment.

11. The owner of land in respect of which money has been borrowed under this Act may at any time obtain a discharge of the indebtedness by paying to the treasurer of the municipality the amount outstanding together with accrued interest at the rate at which the funds were borrowed and, where a debenture has been issued on behalf of a municipality by a district, metropolitan or regional municipality, the municipality shall pay forthwith to the district, metropolitan or regional municipality, as the case may be, the amount received from the owner.

PART II

BUILDING REPAIR LOANS

12. In this Part, “building repairs” means repairs to a building or structure required by reason of damage to the building or structure caused by high water levels of or the impact of ice on a lake, river or other body of water or by damage to or erosion of the shore of a lake, river or other body of water caused by the elements.

Loans for
building
repairs

13. Part I applies *mutatis mutandis* to building repairs, but no loan for building repairs shall exceed 90 per cent of the total cost of the repairs or the maximum amount prescribed by the regulations, whichever is the lesser.

PART III

GENERAL

Regulations

14. The Lieutenant Governor in Council may make regulations for the purposes of this Act,

- (a) prescribing forms and defining any word or expression not defined in this Act;
- (b) prescribing the maximum amount of loans for the construction of works and for building repairs.

Commencement

15. This Act comes into force on the day it receives Royal Assent.

Short title

16. This Act may be cited as *The Shoreline Property Assistance Act, 1973*.

An Act to provide assistance for the
Rehabilitation and Protection of Property
on or adjacent to shorelines

1st Reading

April 26th, 1973

2nd Reading

3rd Reading

THE HON. J. W. SNOW
Minister of Government Services

(Government Bill)

CA20N

XB

-B56

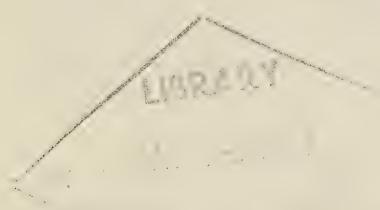
BILL 100

Government Bill

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

**An Act to provide Assistance for the Rehabilitation and
Protection of Property on or adjacent to Shorelines**

THE HON. J. W. SNOW
Minister of Government Services



(Reprinted as amended by the Committee of the Whole House)

TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

This Bill provides a procedure for the municipalities to make loans to owners of property for the rehabilitation and protection of shoreline property and for the repair of damage to buildings and structures caused by high water levels or the impact of ice on lakes, rivers or other bodies of water or as a result of damage to or erosion of the shores and provides for the purchase of the municipal debentures by the Province.

BILL 100

1973

**An Act to provide Assistance for the
Rehabilitation and Protection of Property
on or adjacent to Shorelines**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "municipality" means a city, town, village or township;
- (b) "prescribed" means prescribed by the regulations made under this Act;
- (c) "works" means retaining walls, dykes, breakwaters, groynes, cribs and other structures designed for the rehabilitation or protection, or both, of property on the shores of lakes, rivers or other bodies of water that have been damaged or eroded by the elements, and includes repairs and improvements to existing works.

PART I

REHABILITATION AND PROTECTION LOANS

2.—(1) Subject to sections 64 and 65 of *The Ontario Municipal Board Act*, the council of a municipality may, without the assent of the electors, pass by-laws in the prescribed form authorizing the borrowing of money from the Treasurer of Ontario for the purpose of lending the money for the construction of works and the issuance of debentures in the prescribed form by the municipality or by a district, metropolitan or regional municipality on its behalf.

R.S.O. 1970,
c. 323

(2) Forthwith after the passing of a by-law under sub-section 1, the clerk of the municipality shall register a

Registration
of by-law

duplicate original or a copy of it, certified under his hand and the seal of the municipal corporation, in the land registry office for the registry division in which the municipality is situate or, if the municipality is partly within two or more registry divisions, in each of them.

When by-law
to be valid,
where no
application
to quash

(3) Every by-law registered in accordance with subsection 2, unless an application or action to quash the by-law is made or brought in a court of competent jurisdiction before the by-law is registered, is valid and binding according to its terms.

Offer to
sell
debentures
to the
Province

(4) Where no application or action to quash the by-law has been made or brought before the by-law is registered or, where an application or action has been made or brought and is dismissed, a certified copy of the by-law shall be deposited with the Treasurer of Ontario together with an affidavit of the clerk of the municipality in the prescribed form stating that no application or action to quash the by-law has been made or brought or, if an application or action has been made or brought, that it has been dismissed, and the debentures authorized by the by-law may thereafter be offered for sale to the Province of Ontario.

Application
by owner for
loan

3.—(1) An owner of land who is assessed as the owner thereof in the municipality or, where at any time after the return of the assessment roll and before the return of the assessment roll in the following year, the land is conveyed to some other person, such other person may make application to the council of the municipality in the prescribed form to borrow money for the purpose of constructing works on such land or, with the prior consent of the Crown, on Crown land immediately adjacent to such land.

Where works
on Crown
lands

(2) Where the money is borrowed to construct works on Crown lands, it shall be deemed to be borrowed in respect of the land of the owner who borrowed the money.

Statutory
declaration
of applicant

(3) The application shall not be acted upon unless it is accompanied by a declaration of the applicant stating that he is the actual owner of the land mentioned in the application, and that the land is free from encumbrance, or if the land or any part of it is mortgaged or otherwise encumbered, stating the name and address of the mortgagee or encumbrancer, and where it has been assigned, the name of the assignee of the mortgage or encumbrance with his address.

Notice to
encum-
brancer

(4) Where it appears that there is a mortgage or encumbrance upon the land or any part of it, the application shall not be disposed of until two weeks after the mortgagee, encumbrancer or assignee has been notified of the application by registered mail, sent to him by the clerk at his last known address.

(5) If a mortgagee, encumbrancer or assignee notifies the clerk in writing within the time specified in subsection 4 that he objects to the granting of the application, the council shall afford him an opportunity to make representation to council.

(6) No person by reason of having borrowed money under this Act is disqualified from being elected as a member of council or from sitting or voting therein, but no member of council shall vote on any question affecting an application for a loan in which he has an interest.

(7) The approval of any application under subsection 1 is in the discretion of the council whose decision is final and written notice of the decision shall forthwith be given to the applicant.

(8) No loan for the construction of works shall exceed 90 per cent of the total cost of the works or a maximum amount prescribed by the regulations, whichever is the lesser.

4. The council of a municipality borrowing money under this Act shall employ a competent inspector to assess the need for the construction of works, the type of works proposed and the compatibility of such works with adjacent property and to inspect the works and he shall file with the clerk an inspection and completion certificate in the prescribed form, and the cost of such services by the inspector shall be charged against the works inspected and shall be paid out of the money borrowed and deducted from the amount loaned under section 7.

5.—(1) After the receipt of the inspection and completion certificate, the council may issue a debenture payable to the Treasurer of Ontario with respect to the funds to be loaned by the municipality, and, in the case of a municipality within a district, metropolitan or regional municipality, the council may request the district, metropolitan or regional municipality to issue the debenture on its behalf.

(2) A municipality, or a district, metropolitan or regional municipality on its behalf, shall not issue more than one debenture in any month, the amount of which may combine amounts to be loaned by the municipality under this Act.

(3) The amount of each debenture issued to the Treasurer of Ontario shall be in the sum of \$100 or any multiple thereof and shall not exceed the amount of the loan or loans with respect to which the debenture is issued.

Interest
rates on
debentures

(4) The interest rates applicable to debentures, both before and after maturity, issued under this Act shall be determined from time to time by the Lieutenant Governor in Council.

Term of
debentures

(5) The term of the debentures shall be for a period of twenty years and shall be repayable by equal annual instalments of principal and interest each due on the anniversary date of the debenture.

Prepayment

(6) The debentures shall provide that the municipality or district, metropolitan or regional municipality, as the case may be, shall pay forthwith to the Treasurer of Ontario any amount or amounts repaid under section 11.

Date of
debentures

(7) Each debenture shall be dated the first day of the month following the month in which it is delivered to the Treasurer of Ontario.

Offer to
sell

(8) An application requesting the Treasurer of Ontario to purchase a debenture shall be by way of an offer to sell in the prescribed form and shall accompany the debenture delivered to the Treasurer of Ontario.

Purchase

6.—(1) The Treasurer of Ontario may purchase, acquire and hold debentures issued under the authority of this Act and pay therefor out of the Consolidated Revenue Fund.

Limitation
on amount of
debentures

(2) The aggregate principal amount of the outstanding debentures purchased by the Treasurer of Ontario under this Act shall not exceed \$50,000,000 at any time.

Terms on
which
council
shall lend
money

7. The council shall lend the money so borrowed under the authority of section 2 in sums of \$100 or multiples thereof for a term of twenty years at a rate of interest equal to that set out in the debenture by which the funds are borrowed.

Collection
of special
rate

8. The council shall impose by by-law in the prescribed form and, subject to section 11, shall levy and collect for the term of twenty years, over and above all other rates, upon the land in respect of which the money is lent, a special equal annual rate sufficient to discharge in twenty years the principal and interest of the money lent, and the special rates imposed shall be deemed to be taxes, and the provisions of *The Municipal Act* as to the collection and recovery of taxes, and the proceedings that may be taken in default thereof, apply.

9.—(1) The annual payment on any debenture for principal and interest shall be remitted by the treasurer of the municipality or district, metropolitan or regional municipality to the Treasurer of Ontario on or before the due date.

(2) In the event of default in any such payment, interest thereon shall accrue during the time of such default and the rate of such interest shall be determined from time to time by the Lieutenant Governor in Council.

10.—(1) Where a part of a parcel of land in respect of which money has been lent under this Act is sold, the council of the municipality may apportion the special annual rate between the part sold and the part remaining.

(2) The clerk of the municipality shall give the owners notice of the parts into which the land is divided at least ten days notice in writing by registered mail of the time and place the council will make the apportionment.

(3) The council in making the apportionment shall have regard to the effect of the works on each part into which the parcel of land is divided and such other matters as it considers appropriate, and the decision of the council with respect to the apportionment is final.

(4) The order of apportionment shall be filed with the clerk and thereafter the special annual rate shall be levied and collected in accordance with the apportionment.

11. The owner of land in respect of which money has been borrowed under this Act may at any time obtain a discharge of the indebtedness by paying to the treasurer of the municipality the amount outstanding together with accrued interest at the rate at which the funds were borrowed and, where a debenture has been issued on behalf of a municipality by a district, metropolitan or regional municipality, the municipality shall pay forthwith to the district, metropolitan or regional municipality, as the case may be, the amount received from the owner.

PART II

BUILDING REPAIR LOANS

12. In this Part, “building repairs” means repairs to a building or structure required by reason of damage to the building or structure caused by high water levels of or the impact of ice on a lake, river or other body of water or by damage to or erosion of the shore of a lake, river or other body of water caused by the elements.

Loans for
building
repairs

13. Part I applies *mutatis mutandis* to building repairs, but no loan for building repairs shall exceed 90 per cent of the total cost of the repairs or the maximum amount prescribed by the regulations, whichever is the lesser.

PART III

GENERAL

Regulations

14. The Lieutenant Governor in Council may make regulations for the purposes of this Act,

- (a) prescribing forms and defining any word or expression not defined in this Act;
- (b) prescribing the maximum amount of loans for the construction of works and for building repairs.

Commencement

15. This Act comes into force on the day it receives Royal Assent.

Short title

16. This Act may be cited as *The Shoreline Property Assistance Act, 1973*.

An Act to provide Assistance for the
Rehabilitation and Protection of Property
on or adjacent to Shorelines

1st Reading

April 26th, 1973

2nd Reading

May 3rd, 1973

3rd Reading

THE HON. J. W. SNOW
Minister of Government Services

(Reprinted as amended by the
Committee of the Whole House)

CA20N

BILL 100

Ontario
Publications

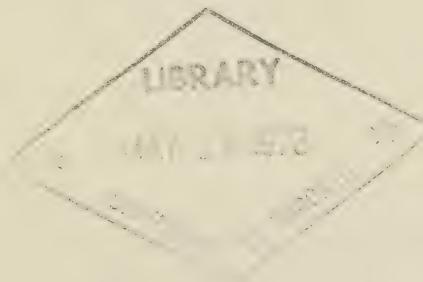
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-B 56

3RD SESSION, 29TH LEGISLATURE, ONTARIO
22 ELIZABETH II, 1973

**An Act to provide Assistance for the Rehabilitation and
Protection of Property on or adjacent to Shorelines**

THE HON. J. W. SNOW
Minister of Government Services



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

BILL 100

1973

**An Act to provide Assistance for the
Rehabilitation and Protection of Property
on or adjacent to Shorelines**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

[Interpre-
tation]

- (a) "municipality" means a city, town, village or township;
- (b) "prescribed" means prescribed by the regulations made under this Act;
- (c) "works" means retaining walls, dykes, breakwaters, groynes, cribs and other structures designed for the rehabilitation or protection, or both, of property on the shores of lakes, rivers or other bodies of water that have been damaged or eroded by the elements, and includes repairs and improvements to existing works.

PART I

REHABILITATION AND PROTECTION LOANS

2.—(1) Subject to sections 64 and 65 of *The Ontario Municipal Board Act*, the council of a municipality may, without the assent of the electors, pass by-laws in the prescribed form authorizing the borrowing of money from the Treasurer of Ontario for the purpose of lending the money for the construction of works and the issuance of debentures in the prescribed form by the municipality or by a district, metropolitan or regional municipality on its behalf.

Borrowing
powers of
municipali-
ties

R.S.O. 1970,
c. 323

(2) Forthwith after the passing of a by-law under sub-section 1, the clerk of the municipality shall register a

Registration
of by-law

duplicate original or a copy of it, certified under his hand and the seal of the municipal corporation, in the land registry office for the registry division in which the municipality is situate or, if the municipality is partly within two or more registry divisions, in each of them.

When by-law
to be valid,
where no
application
to quash

(3) Every by-law registered in accordance with subsection 2, unless an application or action to quash the by-law is made or brought in a court of competent jurisdiction before the by-law is registered, is valid and binding according to its terms.

Offer to
sell
debentures
to the
Province

(4) Where no application or action to quash the by-law has been made or brought before the by-law is registered or, where an application or action has been made or brought and is dismissed, a certified copy of the by-law shall be deposited with the Treasurer of Ontario together with an affidavit of the clerk of the municipality in the prescribed form stating that no application or action to quash the by-law has been made or brought or, if an application or action has been made or brought, that it has been dismissed, and the debentures authorized by the by-law may thereafter be offered for sale to the Province of Ontario.

Application
by owner for
loan

3.—(1) An owner of land who is assessed as the owner thereof in the municipality or, where at any time after the return of the assessment roll and before the return of the assessment roll in the following year, the land is conveyed to some other person, such other person may make application to the council of the municipality in the prescribed form to borrow money for the purpose of constructing works on such land or, with the prior consent of the Crown, on Crown land immediately adjacent to such land.

Where works
on Crown
lands

(2) Where the money is borrowed to construct works on Crown lands, it shall be deemed to be borrowed in respect of the land of the owner who borrowed the money.

Statutory
declaration
of applicant

(3) The application shall not be acted upon unless it is accompanied by a declaration of the applicant stating that he is the actual owner of the land mentioned in the application, and that the land is free from encumbrance, or if the land or any part of it is mortgaged or otherwise encumbered, stating the name and address of the mortgagee or encumbrancer, and where it has been assigned, the name of the assignee of the mortgage or encumbrance with his address.

Notice to
encum-
brancer

(4) Where it appears that there is a mortgage or encumbrance upon the land or any part of it, the application shall not be disposed of until two weeks after the mortgagee, encumbrancer or assignee has been notified of the application by registered mail, sent to him by the clerk at his last known address.

(5) If a mortgagee, encumbrancer or assignee notifies the ^{Objections to} clerk in writing within the time specified in subsection 4 application that he objects to the granting of the application, the council shall afford him an opportunity to make representation to council.

(6) No person by reason of having borrowed money under ^{Members of council not disqualified by loan} this Act is disqualified from being elected as a member of council or from sitting or voting therein, but no member of council shall vote on any question affecting an application for a loan in which he has an interest.

(7) The approval of any application under subsection 1 is ^{Discretion of council} in the discretion of the council whose decision is final and written notice of the decision shall forthwith be given to the applicant.

(8) No loan for the construction of works shall exceed ^{Limitation on loans} 90 per cent of the total cost of the works or a maximum amount prescribed by the regulations, whichever is the lesser.

4. The council of a municipality borrowing money under ^{Appointment of inspector} this Act shall employ a competent inspector to assess the need for the construction of works, the type of works proposed and the compatibility of such works with adjacent property and to inspect the works and he shall file with the clerk an inspection and completion certificate in the prescribed form, and the cost of such services by the inspector shall be charged against the works inspected and shall be paid out of the money borrowed and deducted from the amount loaned under section 7.

5.—(1) After the receipt of the inspection and completion certificate, the council may issue a debenture payable to the Treasurer of Ontario with respect to the funds to be ^{Debentures may be issued after receipt of inspector's certificate} loaned by the municipality, and, in the case of a municipality within a district, metropolitan or regional municipality, the council may request the district, metropolitan or regional municipality to issue the debenture on its behalf.

(2) A municipality, or a district, metropolitan or regional ^{Municipality not to issue more than one debenture per month} municipality on its behalf, shall not issue more than one debenture in any month, the amount of which may combine amounts to be loaned by the municipality under this Act.

(3) The amount of each debenture issued to the Treasurer ^{Amount of debentures} of Ontario shall be in the sum of \$100 or any multiple thereof and shall not exceed the amount of the loan or loans with respect to which the debenture is issued.

Interest rates on debentures	(4) The interest rates applicable to debentures, both before and after maturity, issued under this Act shall be determined from time to time by the Lieutenant Governor in Council.
Term of debentures	(5) The term of the debentures shall be for a period of twenty years and shall be repayable by equal annual instalments of principal and interest each due on the anniversary date of the debenture.
Prepayment	(6) The debentures shall provide that the municipality or district, metropolitan or regional municipality, as the case may be, shall pay forthwith to the Treasurer of Ontario any amount or amounts repaid under section 11.
Date of debentures	(7) Each debenture shall be dated the first day of the month following the month in which it is delivered to the Treasurer of Ontario.
Offer to sell	(8) An application requesting the Treasurer of Ontario to purchase a debenture shall be by way of an offer to sell in the prescribed form and shall accompany the debenture delivered to the Treasurer of Ontario.
Purchase	6. —(1) The Treasurer of Ontario may purchase, acquire and hold debentures issued under the authority of this Act and pay therefor out of the Consolidated Revenue Fund.
Limitation on amount of debentures	(2) The aggregate principal amount of the outstanding debentures purchased by the Treasurer of Ontario under this Act shall not exceed \$50,000,000 at any time.
Terms on which council shall lend money	7. The council shall lend the money so borrowed under the authority of section 2 in sums of \$100 or multiples thereof for a term of twenty years at a rate of interest equal to that set out in the debenture by which the funds are borrowed.
Collection of special rate	8. The council shall impose by by-law in the prescribed form and, subject to section 11, shall levy and collect for the term of twenty years, over and above all other rates, upon the land in respect of which the money is lent, a special equal annual rate sufficient to discharge in twenty years the principal and interest of the money lent, and the special rates imposed shall be deemed to be taxes, and the provisions of <i>The Municipal Act</i> as to the collection and recovery of taxes, and the proceedings that may be taken in default thereof, apply.

9.—(1) The annual payment on any debenture for principal and interest shall be remitted by the treasurer of the municipality or district, metropolitan or regional municipality to the Treasurer of Ontario on or before the due date.

(2) In the event of default in any such payment, interest thereon shall accrue during the time of such default and the rate of such interest shall be determined from time to time by the Lieutenant Governor in Council.

10.—(1) Where a part of a parcel of land in respect of which money has been lent under this Act is sold, the council of the municipality may apportion the special annual rate between the part sold and the part remaining.

(2) The clerk of the municipality shall give the owners of the parts into which the land is divided at least ten days notice in writing by registered mail of the time and place the council will make the apportionment.

(3) The council in making the apportionment shall have regard to the effect of the works on each part into which the parcel of land is divided and such other matters as it considers appropriate, and the decision of the council with respect to the apportionment is final.

(4) The order of apportionment shall be filed with the clerk and thereafter the special annual rate shall be levied and collected in accordance with the apportionment.

11. The owner of land in respect of which money has been borrowed under this Act may at any time obtain a discharge of the indebtedness by paying to the treasurer of the municipality the amount outstanding together with accrued interest at the rate at which the funds were borrowed and, where a debenture has been issued on behalf of a municipality by a district, metropolitan or regional municipality, the municipality shall pay forthwith to the district, metropolitan or regional municipality, as the case may be, the amount received from the owner.

PART II

BUILDING REPAIR LOANS

12. In this Part, “building repairs” means repairs to a building or structure required by reason of damage to the building or structure caused by high water levels of or the impact of ice on a lake, river or other body of water or by damage to or erosion of the shore of a lake, river or other body of water caused by the elements.

Loans for
building
repairs

13. Part I applies *mutatis mutandis* to building repairs, but no loan for building repairs shall exceed 90 per cent of the total cost of the repairs or the maximum amount prescribed by the regulations, whichever is the lesser.

PART III

GENERAL

Regulations

14. The Lieutenant Governor in Council may make regulations for the purposes of this Act,¹

- (a) prescribing forms and defining any word or expression not defined in this Act;
- (b) prescribing the maximum amount of loans for the construction of works and for building repairs.

Commencement

15. This Act comes into force on the day it receives Royal Assent.

Short title

16. This Act may be cited as *The Shoreline Property Assistance Act, 1973*.

BILL 100

An Act to provide Assistance for the
Rehabilitation and Protection of Property
on or adjacent to Shorelines

1st Reading

April 26th, 1973

2nd Reading

May 3rd, 1973

3rd Reading

May 3rd, 1973

THE HON. J. W. SNOW
Minister of Government Services

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